

***United States Court of Appeals
for the Second Circuit***



**APPELLANT'S
APPENDIX**

77-6074

In The

UNITED STATES COURT OF APPEALS
FOR THE SECOND CIRCUIT

NO. 77-6074

APPEAL
from the
UNITED STATES DISTRICT COURT
for the
DISTRICT OF CONNECTICUT

B

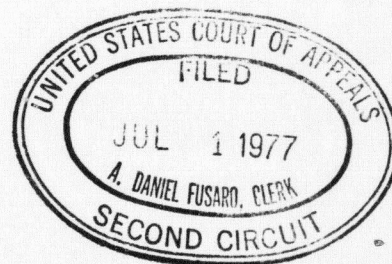
WESTPORT TAXI SERVICE, INC.,
MICHAEL AND ANTHONY GILBERTIE,

Plaintiffs-Appellants,

VS.

WILLIAM T. COLEMAN, JR.,
SECRETARY OF TRANSPORTATION,
WESTPORT TRANSIT DISTRICT
PAUL R. GREEN, JOHN E. MEYERS,
AND RICHARD BRADLEY,

Defendants-Appellees



APPELLANTS APPENDIX

Submitted by:
Richard A. Silver
David S. Golub
Attorneys for the
Plaintiffs-Appellants
733 Summer Street
Stamford, Connecticut 06905

PAGINATION AS IN ORIGINAL COPY

LIST OF EXHIBITS

EXHIBIT A	DOCKET AND ENTRIES	<u>PAGE</u> A-1
EXHIBIT B	DISTRICT COURT RULING ON MOTION, DATED APRIL 13, 1977	A-3
EXHIBIT C	WESTPORT TRANSIT DISTRICT APPLICATION FOR UMTA GRANT	A-20
EXHIBIT D	UMTA APPROVAL OF \$610,000 GRANT	A-141
EXHIBIT E	GRANT CONTRACT, UMTA-WESTPORT TRANSIT DISTRICT	A-145
EXHIBIT F	UMTA PROPOSED POLICY STATEMENT ON PARATRANSIT SERVICES	A-151
EXHIBIT G	ARTICLE BY C. KENNETH ORSKI, UMTA ASSOCIATE ADMINISTRATOR FOR POLICY AND PROGRAM DEVELOPMENT, IN <u>Taxicab Management</u> RE: UMTA PROTECTION OF PRIVATE TAXI OPERATORS	A-153
EXHIBIT H	ARTICLE BY JAMES A BAUTZ, HEAD OF UMTA PARATRANSIT DEMONSTRATION DIVISION AND LIASON WITH THE PRIVATE TAXICAB INDUSTRY, IN <u>Taxicab Management</u> , RE: UMTA PROTECTION OF PRIVATE TAXI OPERATORS	A-158
EXHIBIT I	CONNECTICUT P.U.C.A. REGULATION 16-319-15 RE: SHARED RIDE SERVICE	A-162
EXHIBIT J	WESTPORT TRANSIT DISTRICT REQUEST FOR PROPOSALS	A-163
EXHIBIT K	UMTA APPROVAL OF ORIGINAL \$25,000 STUDY GRANT TO WESTPORT TRANSIT DISTRICT	A-175
EXHIBIT L	LETTER FROM RICHARD BRADLEY TO PAUL FISH OF UMTA, DATED MARCH 29, 1976	A-179

DATE	NR.	PROCEEDINGS
9/6		
2/6	1	Complaint, filed.
	2	Affidavit of Michael Gilbertie, filed.
2/6	3	Affidavit of Anthony Gilbertie, filed.
2/6	4	Motion For Preliminary Injunction, filed by pltf.
2/6	5	Motion For Temporary Restraining Order, filed by pltf.
2/15	6	Marshal's return showing service, filed. - Complaint (U.S. Atty., 12/14/76; Atty. Genl., Cert. Mail Rpt. #187386, 12/14/76; and Secy. of Transportation, Cert. Mail Rpt. #187444, 12/14/76)
2/17	7	Plaintiffs' Memorandum Of Law, filed together with Exhibits A, B and C.
12/23	8	Appearance of Richard A. Silver and David S. Colub, Esquires, entered for pltf.
12/23	9	Civil Cover Sheet, filed by pltf.
2/23	10	Certificate of Service of Complaint, Motion for Preliminary Injunction, Motion for T.R.O. and affidavits in support thereof upon Richard Berkowitz, Esq., on Dec. 7, 1976, at U. S. Courthouse, New Haven, filed by Atty. Colub. Cert. Mail Retn. Rpt. #187386, filed-Malcolm Smith; #187444, filed--DOT, Marg. V. Conn.
1/28 977 1/4	11	Defendant WESTPORT TRANSIT DISTRICT'S BRIEF in Opposition to Request for Preliminary Injunction, filed. (APPENDIX)
	12	Defendant WESTPORT TRANSIT DISTRICT'S Brief in Opposition to Request for Preliminary Injunction, filed.
1/5	13	Exhibit 8, filed. Dkt Ex #508
1/5	14	Answer Of Defendant, The Westport Transit District, filed.
1/5	15	Defendant (Westport Transit District) Motion For Partial Judgment On The Pleadings, filed. 1/6 77 J.C.M.
1/4	16	Federal Defendant's Motion To Dismiss, Or, In The Alternative For Summary Judgment, filed. 1/6 77 J.C.M.
1/4	17	Federal Defendant's Memorandum In Opposition To Plaintiffs' Request For Injunctive Relief And In Support Of The Federal Defendant's Motion To Dismiss, Or In The Alternative, For Summary Judgment, filed.
1/4	18	Affidavit of Charles F. Bingham, Acting Urban Mass Transportation Administrator filed together with Exhibits A through H.
1/7	19	Request To Produce, filed by deft. Westport.
1/11	20	Hearing held on Plaintiffs' Motion For Preliminary Injunction, and on the merits Motion For Protective Order, filed by deft. William T. Coleman. Two (2) Pltf. witnesses sworn and testified. Pltf. Exs. 1 through 7, filed. Deft. Exs. 501 to 508, 514 to 522, filed; 510, marked for Ident. Court hears counsel on Motion For Protective Order--Motion granted. Court will hear argument on Jan. 12, 1977, either 2:00 or 3:30 p.m. Court adjourned at 5:55 p.m. NEWMAN, J. (Gale, R.; Rowe, DC)
1/12	21	Motion For Joinder & Amendment To Complaint, filed by pltf. Hearing held on pending motions. Pltf. Exs. 8, 9 and 10, filed. Motion for Joinder, endorsed--Granted. Decision reserved. Court adjourned at 4:15 p.m. NEWMAN, J. (Gale, R.; Rowe, DC)

A-1

CIVIL DOCKET CONTINUATION SHEET

H-2

PLAINTIFF

DEFENDANT

FPI NO. 3 14 75 SON 1511

WESTPORT TAXI SERVICE, INC., et al

WILLIAM T. COLEMAN, JR., et al

DOCKET NO. B-76-369

PAGE 2 OF PAGE:

DATE	NR.	PROCEEDINGS
1/12	21A	Amendment To Complaint, filed.
1/18	22	Appearance of J. Daniel Sagarin, Esq., entered for Defts. WILLIAM T. COLEMAN, JR., Secretary of Transportation, and the WESTPORT TRANSIT DISTRICT, Court Reporter's Notes of proceedings held Jan. 12, 1977, filed at New Haven. (Gale, R.)
1/24		
2/16	23	Supplemental Response, Deft. Adams, Sec'y of Transportation, filed.
2/18	24	Appearance of Diana Feldman, Asst. U. S. Atty., entered for deft. Adams, Secretary of Transportation.
3/21		Court Reporter's Notes of proceedings held Jan. 11, 1977, filed at New Haven. (GALE, R.)
3/29	25	Plaintiffs' Motion For Temporary Restraining Order, filed.
4/5		Hearing held on Plaintiffs' Mo. For TRO.-- <u>Denied</u> for reasons stated in open Court. Motion (#25), so endorsed. NEWMAN, J. M-4/6/77. Copies to counsel.
4/6	26	Plaintiffs' Supplemental Memorandum, filed.
4/13	27	RULING ON MOTIONS, filed and entered. Motions for injunctive relief denied other relief prayed for in complaint, including declaratory judgment of the invalidity of approval of grant application as well as costs and attorneys' fees, denied. Judgment may enter in favor of all defendants. NEWMAN, J. M-4/14/77. Copies to counsel, TEC, MJB, RCZ, JON, JEL, AHL, FOE, U.Conn. Law Rev. [See Ruling For details.]
4/18	28	Judgment, entered in favor of all defts. MARKOWSKI, C. M-4/18/77. Copies to counsel.
4/14		Court Reporter's Notes of proceedings held Apr. 5, 1977, filed at New Haven. (Gale, R.)
5/2	29	Plaintiffs' Notice of Appeal from Judgment of 4/18/77, filed, along with check in amount of \$250.00 for appeal bond. Copies of Notice of Appeal mailed all counsel of record.
5/3		Civil Appeals Management Plan and Forms C and D forwarded Atty. Golub.
5/3		Certified copies of Notice of Appeal and Docket Entries sent Clerk, U. S. Court of Appeals.
5/9		Acknowledgment of receipt of copies of Notice of Appeal, etc. received from Clerk, U. S. Court of Appeals.
5/13		Copy of Civil Appeal Scheduling Order of U. S. Court of Appeals Filed. (Record on Appeal due on or before June 2, 1977)

UNITED STATES DISTRICT COURT
DISTRICT OF CONNECTICUT

WESTPORT TAXI SERVICE,	:	
INC., ET AL	:	
	:	
V.	:	CIVIL NO. B-76-369
	:	
BROCK ADAMS, SECRETARY OF	:	
TRANSPORTATION, ET AL	:	

RULING ON MOTIONS

Plaintiff Westport Taxi Service, Inc. ("Westport Taxi") is a private taxi company owned by plaintiffs Michael and Anthony Gilbertie and operated by the Gilberties in the Town of Westport under a Certificate of Public Convenience and Necessity from the Connecticut Public Utilities Control Authority ("PUCA"). Plaintiffs bring this action to challenge the implementation by the defendant Westport Transit District ("Transit District") of a municipal taxi service as part of an experimental suburban mass transportation plan to be supported in part by a grant of federal fund under the Urban Mass Transportation Act, 49 U.S.C. § 1601 et seq. ("UMTA"). The other defendants in addition to the Transit District are the Secretary of Transportation of the United States and the directors of the Westport Transit District. The complaint alleges various violations of the provisions of UMTA in the decision to award federal financial assistance to the Westport project and asserts that the failure to compensate Westport Taxi for the losses it will incur from competition

from the project constitutes a taking of property without just compensation in violation of UMTA and of the Fifth and Fourteenth Amendments to the United States Constitution.

The plaintiffs have moved for a temporary restraining order and for a preliminary injunction. Defendants have moved to dismiss and for summary judgment. An evidentiary hearing was held. After the close of the hearing the plaintiffs advised the Court that because they had no further evidence to submit on the merits, the hearing on the injunction could be deemed the hearing on the merits. Fed. R. Civ. P. 65(a). This memorandum will thus dispose of all the claims made by the parties.

I. Standing

All defendants argue that plaintiffs have no standing under UMTA to maintain this suit. They begin with the Supreme Court's interpretation in Association of Data Processing Service Organizations v. Camp, 397 U.S. 150 (1970), of the provision of the Administrative Procedure Act for judicial review of agency action, 5 U.S.C. § 702.^{1/} In Data Processing the Court set forth a two-pronged test for standing to challenge agency action. The first prong is met if the complainant alleges injury in fact, economic or otherwise. The second is met if the interest sought to be protected by the complainant is "arguably within the zone of interests to be protected or regulated by the statute or constitutional guarantee in question." 397 U.S. at 153.

Both of these tests are satisfied in the present

case. The complaint adequately alleges concrete economic injury to the plaintiffs from the defendants' actions in the form of a decrease in operating revenues and profits so severe that the plaintiffs may be forced out of business. Whether this injury is real, as the plaintiffs claim or speculative, as the defendants claim, is a question relating to the merits and not to standing. 397 U.S. at 153, 156.

With respect to the second prong of the test, that the interest invoked be "arguably within the zone of interests" protected by the statute in question,^{2/} Data Processing effectively puts to rest defendants' claim that plaintiffs have no standing to challenge agency action benefiting a competing provider of transportation services. Data Processing itself was a competition case, in which data processors were held to have standing to challenge a ruling of the Comptroller of the Currency allowing banks to provide data processing services in competition with the plaintiffs in alleged violation of a statute restricting bank activities to the performance of bank services. See also Arnold Tours, Inc. v. Camp, 400 U.S. 45 (1970); Investment Co. Institute v. Camp, 401 U.S. 617 (1971); Safir v. Gibson, 417 F.2d 972 (2d Cir. 1969). As the Supreme Court stated in Hardin v. Kentucky Utilities Co., 390 U.S. 1, 6 (1968), "when the particular statutory provision invoked does reflect a legislative purpose to protect a competitive interest, the injured competitor has standing to require compliance with that provision."^{3/}

In enacting UMTA, Congress manifested a concern for private transit operators by requiring the Secretary of Transportation to make a finding for each program to receive assistance under the Act "that such program, to the maximum extent feasible, provides for the participation of private mass transportation companies." 49 U.S.C. § 1602. This provision brings "private mass transportation companies" within the zone of protected interests under the Data Processing test.^{4/}

Plaintiffs argue that Westport Taxi is a "private mass transportation company" within the meaning of UMTA. The statutory definition of "mass transportation" is found in 49 U.S.C. § 1608(c)(5), which defines the term to mean

transportation by bus, rail, or other conveyance, either publicly or privately owned, which provides to the public general or special services (but not including school buses or charter or sightseeing service) on a regular and continuing basis.

Defendants argue that the fact that Westport Taxi offers "premium ride" or "exclusive ride" service -- that is, service that can be limited to the exclusive use of a single passenger or group -- takes the plaintiffs out of the zone of interests Congress intended to protect when it made special provision for "private mass transportation companies." While it may be true that Congress did not intend to subsidize exclusive ride services,^{5/} it is also true that this particular variety of transportation service is not the only service Westport Taxi provides. Rather, a substantial

portion of Westport Taxi's business comes from its shared-ride service, under which passengers traveling in the same direction use the same cab if the initial passenger agrees to the sharing. As a private provider of one type of shared-ride service, albeit with the consent of the first rider, Westport Taxi is at least "arguably" within the zone of interests Congress sought to protect by paying special attention to private mass transportation companies.^{6/}

II. Demonstration Projects Under UMTA

The plaintiffs argue that the defendants failed to comply with UMTA in the following respects:

- a. in that the application fails to certify that the required hearings were held to determine the economic, social and environmental impact of the project (see 49 U.S.C. § 1602(d));
- b. in that the Secretary of Transportation did not, prior to approving the application, make a written finding that federal assistance under the Act is essential to the development of a coordinated and comprehensively planned transportation system (see 49 U.S.C. § 1602(e)(1));
- c. in that the Secretary did not make a written finding that the proposed program, to the maximum extent feasible, provides for the participation of private transportation companies (see 49 U.S.C. § 1602(e)(2));
- d. in that the Secretary did not make a written finding that just and adequate compensation will be paid to private transportation companies for the acquisition of their franchise interests, as required by applicable state law (see 49 U.S.C. § 1602(e)(3)); and
- e. in that the Secretary also failed to comply with 49 U.S.C. § 1610, which requires specific findings as to environ-

Defendants respond that compliance with these statutory provisions is not required by UMTA, since the challenged project is a demonstration project under 49 U.S.C. § 1605(a), which provides:

The Secretary is authorized to undertake research, development, and demonstration projects in all phases of urban mass transportation (including the development, testing, and demonstration of new facilities, equipment, techniques, and methods) which he determines will assist in the reduction of urban transportation needs, and improvement of mass transportation service, or the contribution of such service toward meeting total urban transportation needs at minimum cost. He may undertake such projects independently or by grant or contract (including working agreements with other Federal departments and agencies). In carrying out the provisions of this section, the Secretary is authorized to request and receive such information or data as he deems appropriate from public or private sources.

It is clear from the Act itself and from its legislative history that demonstration projects need not comply with the requirements of §§ 1602(d) or 1610. Section 1610 by its very terms applies only to assistance provided pursuant to § 1602 and not to a § 1605 demonstration project. Section 1602(d) applies only where the grant or loan is to finance "the acquisition, construction, reconstruction, or improvement of facilities or equipment which will substantially affect a community or its mass transportation service." Although the challenged project will to some extent involve acquisition of equipment, I find that it is a demonstration project only and does not involve the more

significant commitment of resources and more substantial effect on the community necessary to bring the hearing and certification requirements of § 1602(d) into play.^{7/} The Transit District and the Urban Mass Transportation Administration have at all times treated the application as one for a § 1605 demonstration grant rather than for a grant under § 1602. The exhibits introduced at the hearing, especially the Application of the Westport Transit District for a Service and Methods Demonstration Grant (Exhibit 1) and the Urban Mass Transportation Administration's approval of the demonstration grant application (Exhibit 2) clearly indicate the demonstration nature of the project, which is to have a two-year duration. Exhibit 2 specifically refers to the project as one authorized under § 6 (§ 1605) of the Act. The intent of the project is to experiment with model methods of providing a broad range of paratransit services. The cost estimates indicate that the bulk of the expenditures for the project will be non-capital rather than capital in nature. All these factors are persuasive that the project is one that may be implemented as a demonstration project under the flexible authorization of § 1605 rather than the more strictly controlled requirements of § 1602(d).^{8/}

The remaining section relied upon by the plaintiffs, § 1602(e), applies, inter alia, to assistance^{9/} provided "for the purpose of providing by contract or otherwise for the operation of mass transportation facilities or equipment in competition with, or supplementary to, the service provided

by an existing mass transportation company." This provision again raises the issue of whether Westport Taxi is a "mass transportation company" within the meaning of the Act, for if it is not, § 1602(e) would have no application. As noted supra at n.3 and accompanying text, Westport Taxi's status under the Act is not entirely clear. It is unnecessary to resolve the issue (other than for standing purposes as discussed above), since the legislative history and administrative construction of the Act indicate that § 1602(e) is inapplicable to § 1605 demonstration projects.

It is clear from the legislative history of UMTA that Congress wanted to allow considerable flexibility in demonstration projects under the Act. See H.R. Rep. No. 204, 88th Cong., 2d Sess. (1964), 1964 U.S. Code Cong. & Admin. News 2569, 2579-80, 2583. Rather than mandating extensive hearings and findings as under other sections of the Act, Congress simply authorized the Secretary "to request and receive such information or data as he deems appropriate from public or private sources."

The Urban Mass Transportation Administration, charged with administering the Act, has consistently differentiated between § 1602 projects and § 1605 demonstration projects. Demonstration projects are exempted by UMTA regulation from review under Office of Management and Budget Revised Circular A-95 on Evaluation, Review and Coordination of Federal and Federally Assisted Programs and Projects. 41 Fed. Reg. 10,316 (1976) (to be codified in 49 C.F.R.

§ 613.300 et seq. Section 613-306(a)(2)(iii) provides:

Experimental studies or operational tests of techniques or concepts that are as yet unproven and which require further study or demonstration to determine if they should be encouraged on a national scale, undertaken under a section 6 [§ 1605] Demonstration Grant, are exempt from the requirements of this section.

Similarly, UMTA regulations on comprehensive transportation planning in urban areas do not apply to § 1605 demonstration projects. See 23 C.F.R. § 450.302(a). In light of this administrative construction, it would be inappropriate to hold the requirements of § 1602(e) applicable to a § 1605 demonstration project, since the § 1602(e) requirements, like the OMB Circular A-95 requirements and comprehensive transportation planning requirements, are safeguards designed to provide more careful control over the more substantial projects under § 1602 rather than over the flexible and experimental projects funded under § 1605.

Plaintiffs' allegation that defendants hope to transform the project into a permanent one after the expiration of the two-year demonstration grant does not change the fact that these funds were allocated under § 1605 for demonstration purposes only. Every demonstration project is undertaken with the hope that its design will be replicated on a continuing basis in various locations. The fact that the locale of the demonstration may become one of the sites for a continuing project does not change the statutory requirements for demonstration grants.

III. Taking of Property

The plaintiffs argue that the implementation of the proposed municipal taxi service constitutes a taking of their property without just compensation in violation of the Fifth and Fourteenth Amendments to the United States Constitution and §§ 1602(e) and 1603 of UMTA. Their argument is that since they hold a certificate of public convenience' and necessity from the Connecticut Public Utilities Control Authority ("PUCA") and are regulated by the PUCA, the Westport Transit District, which is authorized by Conn. Gen. Stat. § 7-273d to assume the regulatory powers of the PUCA in the Westport area, cannot set up a municipal taxi service in competition with the plaintiffs in the absence of either a finding that competition is necessary or an award of just and adequate compensation. They allege that the Westport Transit District has advised them of its intent to assume the powers of the PUCA and to eliminate the plaintiffs' present franchise right to operate a shared-ride service by issuing a limited operating certificate. The Transit District denies any such intention. Even if the Transit District actually intends at some point to deprive the plaintiffs of their franchise or certificate, there is no showing that the threat is in any way imminent. The pressing issue, given the announced date of April 16, 1977, for commencement of the Transit District's taxi operation, is only whether the defendants violate any constitutional or statutory right of the plaintiffs by carrying out their plan.

The Transit District's intention to enter into competition with the plaintiffs does not per se constitute a Fifth Amendment taking. The Supreme Court has repeatedly held that when a governmental entity enters into otherwise lawful competition with a private utility, the resulting economic injury to the utility is damnum absque injuria. See, e.g., Tennessee Power Co. v. Tennessee Valley Authority, 306 U.S. 118 (1939); Alabama Power Co. v. Ickes, 302 U.S. 464 (1937). In the latter case the Court stated:

What petitioner anticipates, we emphasize, is damage to something it does not possess -- namely, a right to be immune from lawful municipal competition. No other claim of right is involved. It is, in principle, as though an unauthorized loan were about to be made to enable the borrower to purchase a piece of property in respect of which he had a right, equally with a prospective complainant, to become the buyer. While the loan might frustrate complainant's hopes of a profitable investment, it would not violate any legal right; and he would have no standing to ask the aid of a court to stop the loan. What difference, in real substance, is there between the case supposed and the one in hand?

302 U.S. at 480. In such a case there is no compensable taking. See United Railroads of San Francisco v. City and County of San Francisco, 249 U.S. 517 (1919). The plaintiffs' freedom to exercise their own franchise has been in no way impaired, even though the profitability of their operation may decline. They have no constitutional right to compensation unless they have a legally protected, compensable interest in operating their franchise free of new competition.

If there is a federal statutory right to protection from government competition, cf. Hardin v. Kentucky Utilities Co., supra, it derives from the Congressional intent expressed in 49 U.S.C. §§ 1602(e) and 1603 to provide for and encourage "to the maximum extent feasible" the participation of private enterprise and to compensate private mass transportation companies "for acquisition of their franchises or property to the extent required by applicable State or local laws." The evidence presented by the parties shows that the statutory policy of providing for private participation has been fully recognized and taken into account.^{10/} The Transit District not only held public hearings on the project, of which the plaintiffs were aware, but also made every effort to invite and encourage the plaintiffs to bid on participation in the project and negotiated with them at length on possible roles for them to play under the demonstration grant. Ultimately the plaintiffs declined to bid on the project. The fact that the negotiations were unsuccessful does not mean that there has been a statutory violation. All the statute requires is encouragement of private participation "to the maximum extent feasible." It does not allow private transit operators to write their own ticket. Further, since no franchise or property interest has been acquired to trigger a duty to compensate, § 1602(e)(3) has not been violated.

It may be, however, that plaintiffs have a claim to compensation for a taking grounded in state law. They contend that their franchise from the bus

immunity from further competition unless there has been a determination by the PUCA that additional service is required by public convenience and necessity. See Conn. Gen. Stat. § 16-320. Thus, they contend, the Transit District's proposed competitive service is not "lawful" competition within the meaning of Alabama Power.

Whatever merit there may be to this claim, it is not a basis for any injunctive relief against the defendants in this suit. If any compensable taking will occur, the remedy is compensation, not an injunction to bar the competitive service. See Joslin Mfg. Co. v. City of Providence, 262 U.S. 668 (1923). There is no indication that reverse condemnation remedies are unavailable to the plaintiffs. Moreover, determination of whether plaintiffs' have a right to be free of competition of the sort the Transit District proposes, in the absence of a PUCA finding of need, raises a question of state law inappropriate for decision by this Court. Cf. Alabama Public Service Comm'n v. Southern Ry., 341 U.S. 341 (1951). It is for the PUCA and the state courts to determine whether as a matter of state law plaintiffs' present franchise entitles them the degree of immunity they assert and whether, even if it does, that immunity protects against a competitive service operated pursuant to a federally funded demonstration grant.

It is true that the taking of a public franchise is a taking of property, for which compensation must be made. United States v. Brooklyn Union Gas Co., 168 F.2d 391 (2d

Cir. 1948). Here the franchise has not been acquired by the Transit District under the procedure established by Conn. Gen. Stat. § 7-273e. The plaintiffs are free to continue their operations exactly as before. At most the value of the franchise will be impaired. Under the circumstances, the Connecticut courts should have the opportunity to adjudicate this claim in a state court action seeking just compensation for the diminution in value of the franchise. In any event, there is no basis for a federal court to enjoin the commencement of the competing service, since compensation rather than an injunction is the only remedy for a taking by eminent domain.

IV. Conclusion

For the foregoing reasons the plaintiffs' motions for injunctive relief are denied. The other relief prayed for in the complaint, including a declaratory judgment of the invalidity of the approval of the grant application as well as costs and attorneys' fees, is likewise denied. Judgment may enter in favor of all defendants.

Dated at New Haven, Connecticut, this 13 day of April, 1977.

Jon O. Newman
Jon O. Newman
United States District Judge

FOOTNOTES

1/ Section 702 provides:

A person suffering legal wrong because of agency action, or adversely affected or aggrieved by agency action within the meaning of a relevant statute, is entitled to judicial review thereof.

The agency in this case is the Department of Transportation, and the challenged action is its decision to provide financial assistance to the Transit District for its demonstration project.

2/ For criticism of the "zone of interest" test as enunciated by the Supreme Court in Data Processing and as subsequently applied by the courts, see K. Davis, Administrative Law of the Seventies 509-516 (1976).

3/ The statute in Hardin put certain limitations on the expansion of the Tennessee Valley Authority to protect private utilities from TVA competition.

4/ South Suburban Safeway Lines, Inc. v. City of Chicago, 416 F.2d 535 (7th Cir. 1969), which suggested that § 1602 might not imply judicial review for a private transit operator, was decided prior to Data Processing and applied a more restrictive test for determining whether a competitor has standing.

5/ Defendants have submitted evidence to support their contention that traditional taxi companies, and

A-18

have not been the beneficiaries of UMTA funds. Plaintiffs have made an offer of proof that at least some private taxi companies have been awarded UMTA funding for the provision of special services.

6/ The Transit District specifically invited and encouraged the plaintiffs to participate in bidding on the federally funded project to provide services including a shared-ride service.

7/ The legislative history indicates that Congress intended § 1602(d) to apply only to § 1602 projects. P.L. 91-453, § 11, 84 Stat. 962, 91st Cong. 2d Sess.; H.R. Rep. No. 91-1264, 91st Cong. 2d Sess (1970), 1970 U.S. Code Cong. & Admin. News 4092, 4101. See also Township of Ridley v. Blanchette, Civil Action No. 74-2113 (E.D. Pa. Oct. 12, 1976), distinguishing between § 1602 projects and § 1605 demonstration projects for purposes of § 1602(d).

8/ Similarly, 49 U.S.C. § 1604(i), invoked by the plaintiffs in their complaint but not briefed in their papers in support of this motion, applies by its terms only to projects funded "under this section" (§ 1604(i)). A § 1605 project is not covered by § 1604(i).

9/ Unlike § 1610, which applies only to assistance "provided pursuant to section 1602," § 1602(e) applies to financial assistance "provided under this chapter." (emphasis added). For the reasons stated below, however, the legislative intent and administrative construction afford far more

flexibility to § 1605 demonstration projects than to the more substantial projects financed under other sections of the Act. For example, the requirement of § 1602(e)(1) that the Secretary find that assistance "under this chapter" be "essential to a program, proposed or under active preparation, for a unified or officially coordinated urban transportation system as part of the comprehensively planned development of the urban area" (emphasis added) could not be applied to a demonstration project consistently with the language of § 1605 itself, which authorizes the Secretary to make demonstration grants for the "development, testing, and demonstration of new facilities, equipment, techniques, and methods" in order to "assist in the reduction of urban transportation needs." It would be inconsistent with the goals of the Act to tie the Secretary's hands by restricting his authority to make demonstration grants only to projects found "essential" to a unified or comprehensive transportation, for such a narrow limitation would thwart innovation and experimentation under the demonstration grant provision.

10/ In light of the holding, supra, that the § 1602(e) findings are not required for § 1605 demonstration projects, a showing of substantial compliance with the statutory policy is sufficient. In any event, defendants claim that the requisite findings on private participation were made by UMTA in its memorandum recommending approval of the grant, introduced as Exhibit 2.

Amendment #1
APPLICATION

for a

SERVICE AND METHODS DEMONSTRATION GRANT

from the

Westport (Conn.) Transit District

CT-06-0004

January 31, 1976

0
A-25
0-000-01
APPLICATION

of the

Westport Transit District

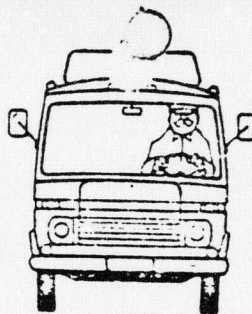
for a

SERVICE AND METHODS DEMONSTRATION GRANT

January 31, 1976

ninnybus

STPORT TRANSIT DISTRICT



311 East State Street
Westport, Conn. 06880
Information 226-7171
Office 226-0422

April 26, 1976

Paul Fish
Service & Methods Demonstration Division
Mass Transportation Administration
100 Seventh Street, S. W.
Washington, D. C. 20590

Dear Paul:

As you are aware, as a result of our most recent meeting April 12, the community of Weston has decided not to participate in a proposed demonstration project. Enclosed with this letter is a copy of a letter from the First Selectman of Weston notifying us of Weston's intent. As a result of Weston's withdrawal from the project, we have eliminated from the project budget those costs and revenue elements which would have been attributed to Weston. On page C-2 through C-4, as revised, and included with this letter, you will see that we have eliminated these costs in the different categories.

However, as a result of our conversations on April 12, the Westport Transit District is proposing that a new dimension to the demonstration project be included in the place of the Weston services. We would like to undertake as part of the demonstration a phased program which will attempt to utilize occasional providers of paratransit services. There has been a growing recognition among individuals concerned with transit options about ways in which an individual or individual entrepreneur can be brought into the transit market to provide services. Car-pooling and van-pooling are two forms of this kind of service. We would like to look beyond this to see what ways other individuals could be brought into the market and what the problems are in attempting to do so.

For example, the buses which are used to run our commuter routes to the railroad station in the morning are now running at and above capacity for the bus. In light of the fact that we neither have additional equipment to handle the growing demand and even if we did, the cost of putting another unit into service may be prohibitive, we would like to consider the possibility of paying an individual who owns a standard-size car, station wagon or van to run this route just

ore our bus and to pick up the additional demand. We would pay s individual for his service which we believe could be economic-ly competitive on a cost-per-passenger basis with our cost to ry passengers on the bus. For example, if we paid this individual for what amounted to be a fifteen-minute trip and this person ried four passengers, the cost per passenger would be fifty cents. estimate that our cost per passenger presently runs between fifty seventy cents. We believe there are other advantages to this angement in that we can cut back on this additional service as and changes and do not have to worry about commitments to utilize ital equipment or labor. Beyond this we might even consider the sibility of asking an individual, perhaps a housewife who normally es her husband to the station, to use a van or station wagon for hour or so in the morning to run several routes and to see what economics of this possibility might be.

There are other ways in which we see that occasional providers ld be useful. These include services to the elderly or services to er-school activities. We also see the possibilities in attempting utilize occasional providers to bring employees who work in the ntown area but live in communities outside of Westport to their s.

We believe that the possibilities for developing these ser-es have significant implications for many other transit systems and nsit users in the country. We would intend to clarify many of the ues and problems which must be faced in attempting to utilize this nsit potential. In order to assist us in this effort aside from mitting approximately \$65,000 to experiment with these services as cribed on Page C-3 Revised, we would like to commit approximately ,000 to the consultant category to help design the implementation the occasional provider service.

As part of a new phase of the demonstration project we would e to explore different implications of van-pooling possibilities. st of all, we would like to work with a local major employer, namely corporate headquarters of the Stauffer Chemical Company, to help m design a van-pool program which would help to bring their support ff from the neighboring cities and then to monitor the effect of s service on length of employment and satisfaction with the job. y major corporations have been looking for ways in which to attract l keep employees. Furthermore, inner city and civil rights groups e showing a growing concern to develop more reverse commutation ser-es. This aspect of the demonstration would be devoted to developing se issues, and secondly, we would like to explore more fully the sibility of considering the downtown area of Westport as an employ- it center and to develop a van-pool program treating this area in e way in which corporations or factories have treated a single plant ility.

The overall impact of including new elements in our proposed project of services, specifically the use of the occasional provider, as well as the development of van-pools, should strengthen the concept of transit brokerage which we are also attempting to demonstrate as part of the program. Although the inclusion of the taxi operators in a proposed service plan which also includes integration with fixed-route bus services with connections to the commuter rail addresses itself to the role of a broker which a transit authority could play, the inclusion of these two new dimensions into the rail plan should further enhance this function for transit authorities.

We hope you will look favorably upon this request for modification and hope you share our excitement about their possibilities. If you have any questions, please feel free to give us a call.

Sincerely,

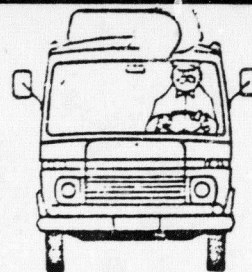
Richard H. Bradley

Richard H. Bradley
Executive Director

:llh
losures

minnybus

STPORT TRANSIT DISTRICT



A-23
311 East State Street
Westport, Conn. 06880
Information 226-7171
Office 226-0422

February 23, 1976

Service & Methods Demonstration Division
Urban Mass Transportation Administration
400 Seventh Street, S. W.
Washington, D. C. 20590

Gentlemen:

The Westport Transit District is submitting an application for \$610,441 to develop a Service & Methods Demonstration Project which would integrate conventional transit and paratransit services in Westport and Weston, Connecticut. It is a request for funds to cover a project lasting two years.

We believe that the plan of development detailed in our application will meet many of the goals of the Service & Methods Demonstration Division and will lead to the development of a model service which will have significant national implications. In particular, we feel the plan will demonstrate ways of integrating multiple services, both of conventional transit and paratransit, in a single system and that it will also demonstrate ways of integrating multiple transit operators, including both public and private enterprise, into that single system. Beyond that, we feel that the plan for service development will demonstrate a high level of service for low- and medium-density communities. Furthermore, we believe the plan shows a way of reconceptualizing taxi operations as a provider of a broad range of services which should have particular value as a model in many small communities throughout the country where the taxi operator is at present the only provider of transportation services.

We hope that you will look favorably on our request.

Sincerely,

Paul R. Green
Chairman

PRG:11h
Enclosure

minnybus

STPORT TRANSIT DISTRICT



A-26
311 East State Street
Westport, Conn. 06880
Information 226-7171
Office 226-0422

March 8, 1976

Mr. Paul Fish
Service & Methods Demonstration Division
Urban Mass Transportation Administration
400 Seventh Street, S. W.
Washington, D. C. 20590

Dear Paul:

Included is the information which you requested several weeks ago concerning various wage rates of staff who will be participating in the demonstration project. My salary is projected for the coming year to be \$22,162. This is based on an eight-per-cent increase over my present salary. The wages for bus drivers next year will be approximately \$4.70 an hour and the wages for taxi drivers is presently projected at \$3.75. It is expected that the wages for clerical help will be around \$3 per hour, unless the responsibilities of this clerical position also included bookkeeping qualifications. In that case I imagine the wages would be approximately \$3.75 to \$4.00 per hour.

If you have any questions, please give me a call. I plan to be in Washington for the Demand-Responsive Conference next week and I imagine I will see you at that time.

Sincerely,

A handwritten signature in cursive script that reads "Rich".

Richard H. Bradley
Executive Director

RHB: 11h

APPLICATION FOR FEDERAL ASSISTANCE

PART I

1. State Clearinghouse Identifier	
2. Applicant's Application No. (to be completed by UMTA)	
3. Grantor Agency Department of Transportation Organizational Unit Urban Mass Transportation Administration Administrative Office Post Address - P.O. Box City State Zip Code	4. Applicant Name Westport Transit District Department Division Street Address - P.O. Box 311 East State Street City Westport County Fairfield State Connecticut Zip Code 06880
5. Descriptive Name of the Project Demonstration & Service Development Project	
6. Federal Catalog No.	7. Federal Funding Requested \$ 610,000
8. Guarantee Type State, County, City, Other (Specify)	
9. Type of Application or Request New Grant, Continuation, Supplement, Other Changes (Specify)	
10. Type of Assistance Grant, Loan, Other (Specify)	
11. Population Directly Benefiting from the Project Westport, Connecticut	13. Length of Project Two years
12. Congressional District Fourth District	14. Beginning Date July 1, 1976
a. b.	15. Date of Application
The applicant certifies that to the best of his knowledge and belief the data in this application are true and correct, and that he will comply with the attached assurances if he receives the grant.	
16. Printed Name Richard H. Bradley	17. Title Executive Director
18. Signature of Authorized Representative Richard H. Bradley	
19. Telephone Number	
AREA CODE 203	NUMBER 226-0422
EXT. 	
/ For Federal Use Only	

PART III – BUDGET INFORMATION
Page 1

OMB NO. 80 RO-186

SECTION A – BUDGET SUMMARY

Grant Program, Function or Activity (a)	Federal Catalog No. (b)	Estimated Unobligated Funds		New or Revised Budget		
		Federal (c)	Non-Federal (d)	Federal (e)	Non-Federal (f)	Total (g)
1. Service Demonstration		\$	\$	\$ 610,000	\$ 153,841	\$ 763,841
2.						
3.						
4.						
5. TOTALS		\$	\$	\$	\$	\$

SECTION B – BUDGET CATEGORIES

6. Object Class Categories	Grant Program, Function or Activity				Total (5)
	(1)	(2)	(3)	(4)	
a. Personnel	\$ 91,139	\$	\$	\$	\$
b. Fringe Benefits	22,785				
c. Travel	5,000				
d. Equipment	196,200				
e. Supplies	176,180				
f. Contractual	645,032				
g. Construction					
h. Other	63,856				
i. Total Direct Charges					
j. Indirect Charges					
k. TOTALS	\$ 1,200,192	\$	\$	\$	\$
7. Program Income	\$ 436,351	\$	\$	\$	\$

PART III - BUDGET INFORMATION

Page 2

OMB NO. 80-RO126

SECTION C - NON-FEDERAL RESOURCES

(a) GRANT PROGRAM	(b) APPLICANT	(c) STATE	(d) OTHER SOURCES	(e) TOTALS
8.	\$ 16,000	\$ 137,841	\$	\$ 153,841
9.				
10.				
11.				
12. TOTALS	\$ 16,000	\$ 137,840	\$	\$ 153,841

SECTION D - FORECASTED CASH NEEDS

	Total for 1st Year	1st Quarter	2nd Quarter	3rd Quarter	4th Quarter
13. Federal	\$ 383,597	\$ 213,620	\$ 56,659	\$ 56,659	\$ 56,659
14. Non Federal	97,240	53,740	14,500	14,500	14,500
15. TOTAL	\$ 480,837	\$ 267,360	\$ 71,159	\$ 71,159	\$ 71,159

SECTION E - BUDGET ESTIMATES OF FEDERAL FUNDS NEEDED FOR BALANCE OF THE PROJECT

(a) GRANT PROGRAM	FUTURE FUNDING PERIODS (YEARS)			
	(b) FIRST	(c) SECOND	(d) THIRD	(e) FOURTH
16.	\$ 383,597	\$ 226,403	\$	\$
17.				
18.				
19.				
20. TOTALS	\$ 383,597	\$ 226,403	\$	\$

SECTION F - OTHER BUDGET INFORMATION

(Attach additional Sheets if Necessary)

21. Direct Charges:

22. Indirect Charges:

23. Remarks:

EXHIBIT A
GENERAL DESCRIPTION OF THE PROJECT

H-31

1.0 PROJECT OBJECTIVES

The Westport Transit District, through the program of services and actions to be described in this application, is seeking to develop a comprehensive transportation system which is capable of serving a broad range of travel needs and market segments within the communities of Westport and Weston, Connecticut, through the total integration of a variety of conventional transit and paratransit services. The work program described in Exhibit C seeks to make public and private transportation services complementary by focusing on strategies whereby different services and service providers can provide more efficient, comprehensive, flexible and integrated services than would be possible in a more traditional, fragmented transportation sector. The Westport Transit District, the grant applicant, will act as the lead participant in the work program, utilizing its regulatory power, its services, its auspices and good will to act as an "umbrella agency" to foster the development and coordination of a variety of public and private sector services. The Demonstration Project will be exemplary in nature, developing models which may be followed by other communities.

The system design to be implemented under the Service and Methods Demonstration Project will focus on three basic objectives:

- (1) Demonstration of Service Integration: A broad range of conventional and paratransit services will be developed which are capable of efficiently serving a broad range of market segments. These services will include fixed route bus, exclusive ride taxi, shared-ride taxi, special markets dial-a-ride, route deviation bus, and fixed route bus. Coordinated service

planning, centralized control room services, and flexible vehicle deployment strategies will be used to provide a comprehensive range of service options which are complementary in nature.

- (2) Demonstration of Operations Integration: The Demonstration Program will develop an exemplary model illustrating mechanisms and relationships which allow for the integration of services provided by multiple operators functioning in both the public and private sectors. The Westport Transit District, which offers fixed route bus services, will integrate its operations with those offered by the two private taxi companies in Westport. The Demonstration will show logical and mutually beneficial relationships between the public and private operators, as well as evolutionary procedures for moving from a fragmented to a coordinated transportation sector.
- (3) Demonstration of Suburban Service Potential: The Demonstration will illustrate the market potential for a comprehensive, integrated, and coordinated program of public transportation services in medium and low density. The program will illustrate the potential for specific service elements, as well as the impact of adopting a comprehensive approach in the planning, marketing and provision of services in small urban and suburban areas.

Specifically, the Demonstration will seek to achieve the following specific goals which fall within the Service and Methods Program objectives:

- (1) Improved Coverage: The WTD seeks to expand the spatial and temporal coverage of services provided under its aegis to encourage travel anywhere within its boundaries seven days a week, eighteen hours each day.
- (2) Improved Productivity: The WTD seeks to maintain and improve the current levels of productivity on services it provides directly, as well as significantly improve productivity of existing private sector operations. Specifically, it seeks to achieve:
 - (a) An increase in ridership on the CBD-oriented¹ fixed route system of 25%.
 - (b) An increase in ridership on the commuter rail fixed route feeder system of 40%.

¹Central Business District/Jessup Green

- (c) An increase in taxi ridership of 25%.
 - (d) An increase in taxi operating productivity. .
(trips/hour) of 100%.
 - (e) An increase in WTD Annual Pass sales of 25%.
 - (f) A decrease in overhead and control costs for
the system as a whole through consolidation of
dispatching functions into a single control room.
- (3) Improved Service to Special Markets: The WTD is seeking to expand its services to the very young, the elderly, and the physically handicapped through the efficient provision of door-to-door service at subsidized (below market) user charges.

In addition, the Westport Transit District has two purely local objectives:

- (4) Reduction of automobile commuter traffic at Saugatuck Station and within downtown Westport. Severe parking congestion is present at both locations. The WTD is seeking to minimize and control this problem through an aggressive policy which can capture 40% of the potential market of Westport residents who either work downtown or commute by the Penn Central Railroad.
- (5) Elimination of Second Car: The WTD seeks to minimize the prevalence of two or more cars per family within Westport, reducing multiple car ownership rates by 20%.

2.0 SUMMARY OF PROJECT ACTIVITIES

2.1 Existing Services

Currently, two basic types of public transportation services are offered within the Towns of Westport and Weston:

- Fixed Route Bus Service, and
- Premium Ride Taxi Service

Fixed route bus services are directly provided by the Westport Transit District, using a fleet of eight 16-passenger small transit vehicles and one 31-passenger small transit coach. Two basic types of fixed route service are offered (see Maps 2 and 3):

- (1) Fixed Route Service to Westport Center: Seven radial loop routes operate on 35-minute headways, converging simultaneously on Jessup Green at Westport Center. Service is offered from 7:45 A.M. to 5:40 P.M.
- (2) Fixed Route Service to Penn Central Railroad Stations: Eight routes provide fixed route service to two morning and three evening commuter trains, between the hours of 6:30 A.M. to 7:30 A.M. and 5:40 P.M. to 7:30 P.M.

These WTD operations currently operate with hourly productivities greater than 21 passengers per vehicle hour. Average operating costs are currently estimated at \$12.61 per vehicle hour.

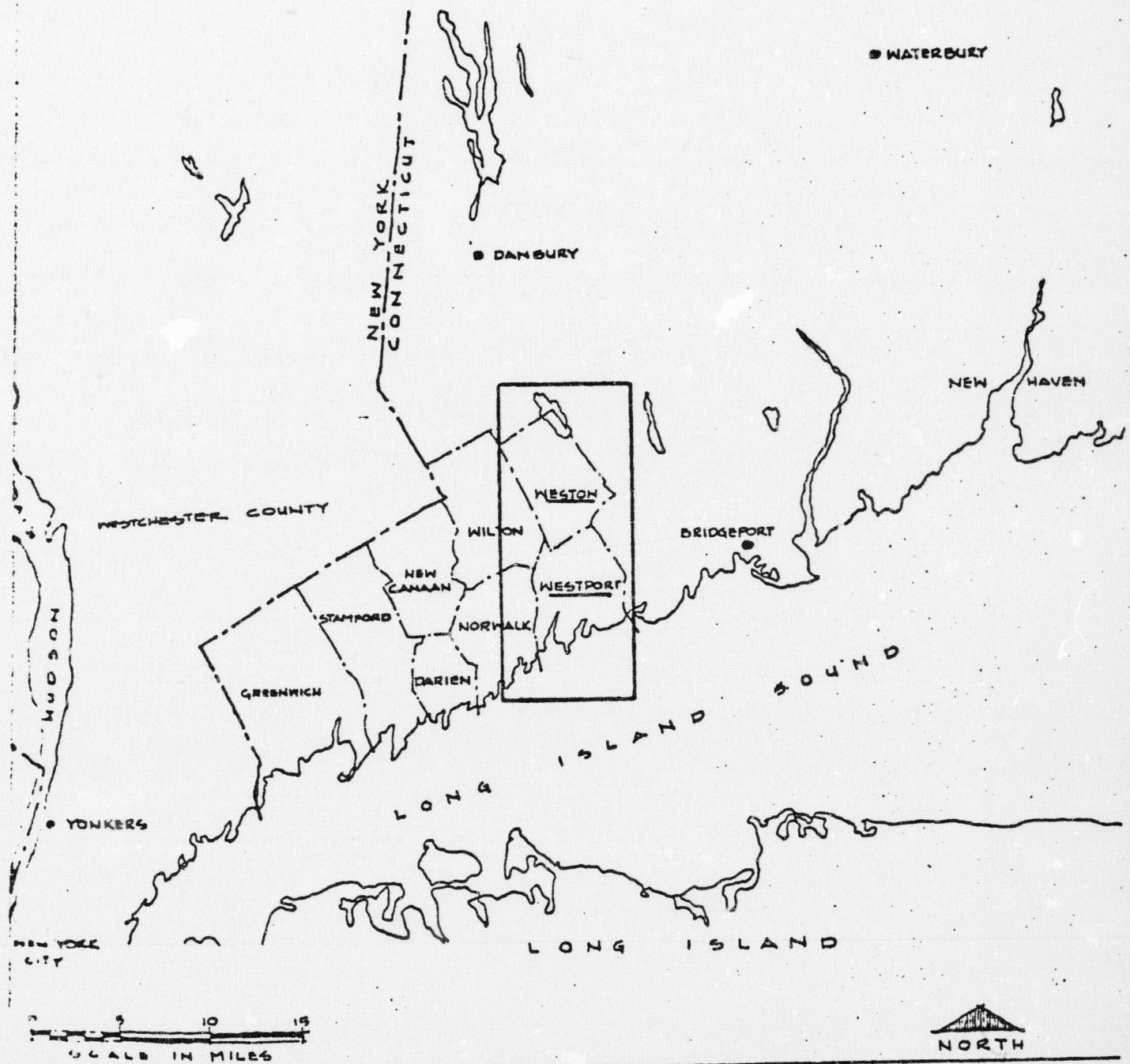
The WTD currently has a capital grant pending before UMTA which would provide five new buses and two van vehicles. The initial plan for use of this equipment called for an additional 11,000 hours of service annually.¹ However, under this Demonstration Plan, this equipment and these services have been consolidated and incorporated into the Demonstration framework, at a considerable cost savings for the WTD.

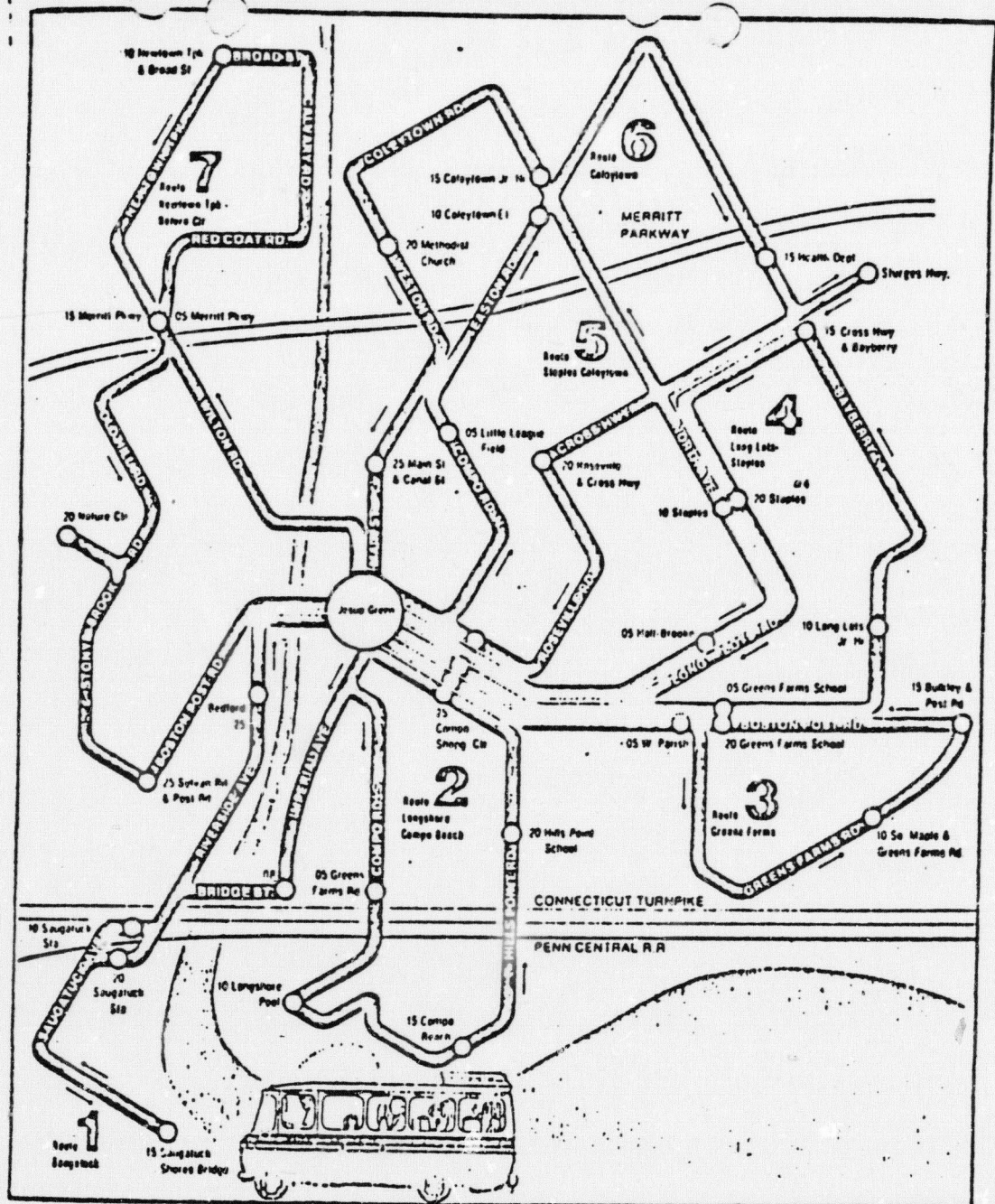
A unique aspect of the WTD fixed route system is the use of prepaid annual passes. The current average cost of a pass is approximately \$18 (to be raised shortly to \$23, and higher as this Demonstration Program is implemented). The WTD has sold more than 5000 annual passes in the

¹ 2000 hours of commuter service (2 new routes); 3500 hours of CBD service (2 new route); 3000 hours of supplementary peak hour service; 2500 hours of elderly and handicapped service.

FIGURE 1
SOUTHWEST CONNECTICUT REGION.

A-35



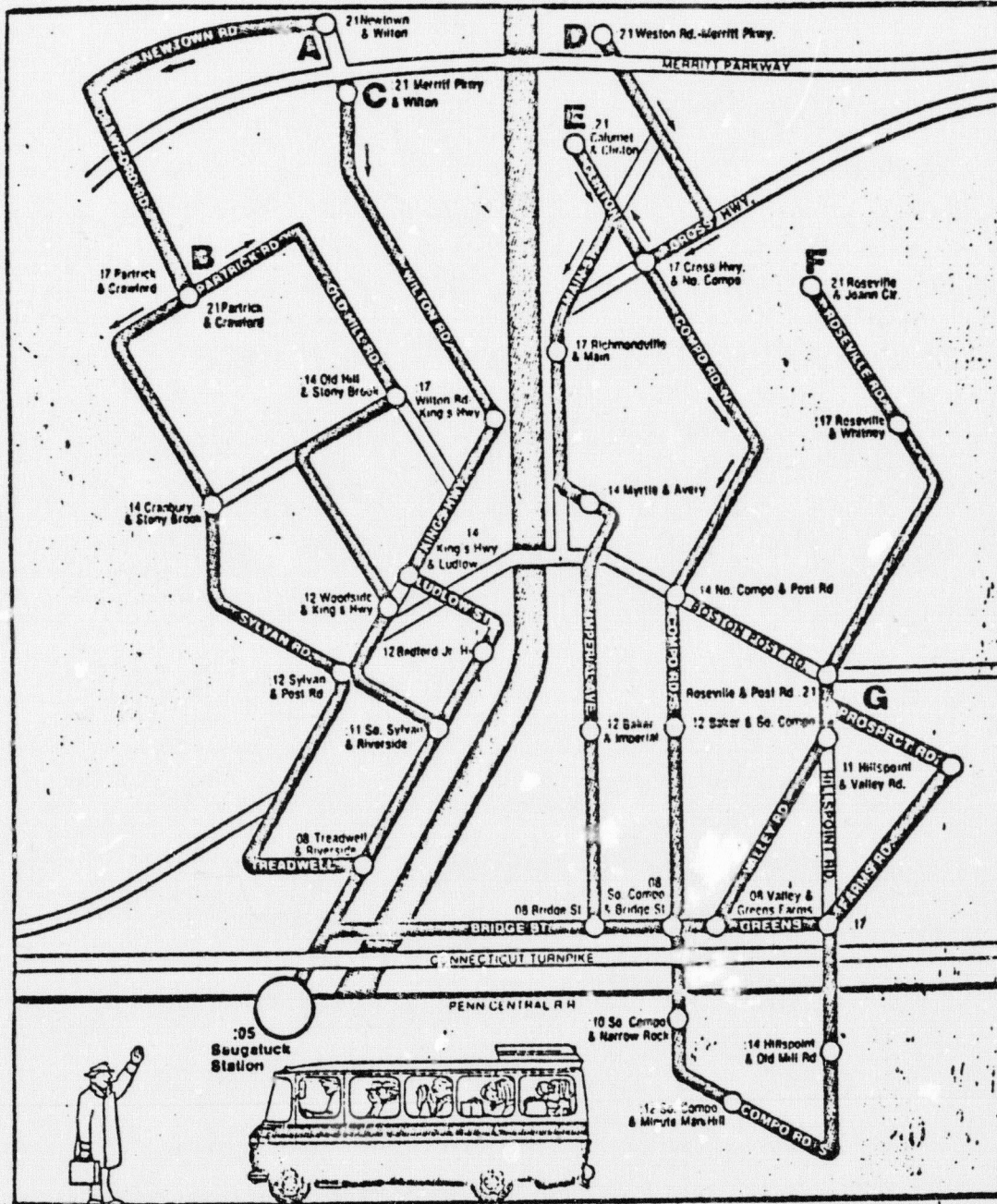


Here's where and when to find the Minny
 The numbers indicated at each point represent minutes from Jesup Green. Buses on the Daytime Route depart from the Minny Terminal at 7:45 8:20 8:55 9:30 10:05 10:40 11:15 11:50 12:25 1:00 1:35 2:10 2:45 3:20 3:55 4:30 5:05

FIGURE 3

WESTPORT COMMUTER ROUTES

A-37



Commuter Minny timetable: we meet two morning trains, the 7:05, 7:29 and three evening trains, the 5:02, 5:20 and 6:03 out of Grand Central. To find the time Minny will be at your local stop in the morning "count down" or subtract the indicated number of minutes from train time. Correspondingly, in the evening, "count up" from train time for arrival at your home stop. (If trains are late we'll do our best to work it out.)

made possible largely through the willingness of the town and State to match pass sales revenues with a local (general revenue fund) and State subsidy.

Taxi and limousine services are offered by two private operators, Kelly's Westport Taxi Company and the Westport Taxi Company. Each operator currently has a taxi fleet of five vehicles. They each hold "Certificates of Public Convenience and Necessity" issued by the Connecticut Public Utilities Control Authority (PUCA) to provide "premium ride services" only; however, shared-ride service is frequently provided, generally without the passenger's consent, at the "premium fare" level, particularly for rail station-based trips. The current fare schedule, which has not risen in tune with the inflation of the times, serves to encourage (illegal) group loading and ride sharing.¹ (The taxi operators are currently regulated by the State PUCA; however, the WTD may assume this regulatory authority at any time through a simple written notification of intent to be filed with the PUCA.)

One of the private taxi operators also owns two limousines, which are for hire on an hourly basis. Each private taxi company also owns a profitable rent-a-car franchise which is cross-subsidized through the overhead of the taxi operations.

Together the two taxi companies average between 200 and 220 trips per day. Their average operating cost is approximately \$4.65/hour (excluding capital amortization). Average vehicle productivity ranges between 1.6 and 1.8 trips per hour. The average fare for trips within Westport is \$2.40, (exclusive of tips).

Neither company has shown a profit in its taxi operations over the past three years. They have survived largely through a combination of living off the value of their depreciating capital stock, payment of minimum wages to drivers, cross-subsidy by profitable car rental and

This appears to be in violation of Connecticut Statutes; however, the statute is widely violated throughout the State, and has not been enforced in recent years.

More detailed discussion and analysis of the current WTD bus and private taxi operations is contained in Attachment A to this application.

Figure 4 graphically displays the current weekday vehicle utilization and service plan for the Town of Westport.

The Town of Weston currently is served only by one of the private taxi companies operating in Westport. However, the nature of the fare structure and the fact that no taxis are stationed in Weston make taxi service expensive to use and the response times lengthy.

The low density development pattern, combined with the nearly complete lack of any public transportation services, makes Weston an attractive candidate for new public services. This potential is explored in detail in Attachment B to this submission.

2.2 New or Modified Services to be Offered Under Demonstration

In addition to the existing services described in the previous section, the Westport Transit District will move to implement, directly and through contract with private operators, the following services:

- (1) Supplementary Fixed Route Services: The WTD will provide an additional 10,946 annual hours of fixed route services. The additional service hours will be provided both directly by the WTD and by private operator under contract to the District. The supplementary services will allow the WTD to provide fixed route service on all routes to an additional three morning commuter trains and expand the geographical commuter route coverage, provide two additional service hours on the routes oriented towards the Westport CBD in the early evening hours, implement a new fixed route linking Weston Center and the Westport CBD and railroad station, and implement an entirely new commuter route to serve the "Saugatuck Shores" area of Westport.
- (2) Premium and Shared Ride Taxi Service: A fully integrated taxi service will offer premium ride, shared-ride, and small package delivery services within the Town of Westport using a single fleet of dynamically controlled vehicles. This service will be provided by a single private operator who is operating under contract to the WTD, and will replace all existing intra-Westport service offered by the two existing taxi companies. Ride sharing will be the basic service mode; premium service will be available using the same vehicle fleet for a flat surcharge (\$1.50) to be imposed on top of a basic shared-ride zone fare. The shared-ride fare structure will be designed to collect an average

6 AM 8 10 AM 12 Noon 2 PM 4 6 PM 8 10 12 1 AM

Fixed Route Commuter

Bus

A
B
C
D
E
F
G
H

6:30AM 7:30AM

5:50PM 7:30PM

Fixed Route CDB

Bus

A
B
C
D
E
F
G

7:45AM

5:30PM

A-11

Premium
Taxi Service

Taxi

1
2
3
4
5

_____ (Fri. and Sat.)

Taxi

6
7
8
9
10

_____ (Fri. and Sat. eve)

Limo

1

H-40

revenue \$2 per passenger (including tax) and it is anticipated that the integrated shared-ride and premium ride services will be self-sustaining and profitable by the conclusion of the Demonstration. The \$2 average fare level is being set with the belief that system productivities of 3.5 trips per hour can easily be achieved, and that the eventual system equilibrium will occur at a productivity greater than 4.0 passengers per hour. These services will be offered using a fleet of four to six van sized vehicles which will be purchased by the WTD.

Shared-ride taxi service will be utilized to provide complementary service for the fixed route system at times of low demand density. Persons holding WTD annual passes will be eligible for discounted fares on the shared-ride taxi at certain hours of the day and at certain locations. Railroad commuters will be allowed to use the shared-ride taxi system for a flat fare of \$1.00 after 7:30 P.M., provided they are holders of the WTD Annual Pass. Similarly, all passholders will be eligible for a \$1.00 flat fare on Friday and Saturday evenings from 7:00 P.M. to midnight. Reduced fares on the shared-ride taxi system are being offered as a cost-effective alternative to additional expansion of fixed route services at those hours.

Small package delivery service will also be offered using the same fleet of vehicles.

These taxi services will be offered seven days a week, nineteen hours per day, matching the service hours offered by the existing taxi service.

- (3) Limousine and Livery Service: Limousine and livery service will be provided for trips destined to locations outside the geographical limits of the Westport Transit District. Service will be provided by a private operator (and will be regulated by the State PUCA). The service will use a separate, privately owned fleet of vehicles; it will contract with the WTD (paying the WTD) for provision of central control room services.
- (4) Special Markets Services: Advance request demand-responsive services for special market segments will be provided by a private operator under contract to the WTD at below market fares. The service will be fully integrated with the operation of the shared-ride taxi system, using the same vehicle fleet and central control room to coordinate service.
- (5) Weston Feeder: A route deviation service will be operated by a private contractor, providing circulation service within Weston and feeder service to Weston Center. Four feeder routes will operate on thirty-five minute headways designed to interface with the new fixed route service

scr... to provide "no wait transi..." between the Weston Feeder and Weston Connector line haul route, and between the Weston Connector and the remainder of the Westport system. The feeder system will be dispatched by the central control room. Van-sized vehicles will be used to provide this feeder service.

- (6) Carpool and Vanpool Matching: Carpooling will be promoted as a part of the overall public information program. Technical assistance will be provided to the downtown employers association in Westport to organize a carpooling program. Carpool matching will be carried out using the existing computerized matching program available through Connecticut DOT. Technical assistance for implementation of a vanpooling/carpooling program will also be provided to the two employers with major facilities (500 or more employees) in Westport.

Figure 5 displays the basic service plan outlined in the preceeding discussion. It identifies how each van and bus vehicle fleet will be utilized to provide these services.

A-43

The proposed service program will introduce a number of innovative service integration concepts and relationships which can be duplicated in other urbanized areas.

3.1 The Private Transportation Company

The Demonstration project is designed to exemplify new roles for the private sector in the provision of transportation services for the public. Too frequently, private operators, public operators and public planners have brought a form of "tunnel vision" to bear on the transportation sector which seriously limits their creativity and ability to respond flexibly to changing market needs and conditions. Taxi and bus operators are viewed as providing clearly different kinds of services; and the fundamental fact that their basic mission is provision of transportation is often lost from sight. The proposed Demonstration Project is designed to show the vast new potential and role for the private sector to provide services, skills and management expertise in provision of transportation service to the public. This new potential lies in the development of new contractual relationships with the public sector, and a new conceptual approach to provision of service which transcends the perception of the private operator as a provider of only taxi or bus services, replacing that perception with the concept of a "private transportation company" capable of providing a variety of management skills and services to meet the conditions of diverse environmental contexts.

The new contractual relationships will be defined to specify models for dealing with key issues in the evolving public sector-private sector relationship:

- (1) Protection of the equal interests of existing operators in a fragmented private sector as the public sector moves to coordinate them.
- (2) Maintenance of competition within the private sector while insuring the provision of coordinated and comprehensive services.

3.2 Integration of Paratransit Services and Conventional Transit Services

The Demonstration will provide, for the first time, a completely integrated range of paratransit services using a single fleet of vehicles and single control center, shared-ride taxi; premium ride taxi, small package delivery, and special markets services will all be provided simultaneously with the same vehicles and drivers, through a single control center.

The Demonstration will also illustrate how the same vehicle fleet can be used for radically different types of service, meeting different market requirements at different times of the day. The same vehicles and drivers may operate in conventional fixed route service, shared-ride taxi service, and route deviation feeder service all within the course of a single day's operations.

This service integration strategy is designed to demonstrate cost-effective ways of providing a broad, comprehensive range of public transportation services.

3.3 Non-Subsidized Paratransit Services

Many paratransit services -particularly taxi services-have a demonstrated ability to be self-sustaining and profitable in a free market context. Quite frequently, as the public sector moves to provide subsidized paratransit services, there is a resulting shift of market demand from self-sustaining to subsidized service. As a result, the public sector, in attempting to extend the availability of paratransit services, has ended up subsidizing a large market segment that previously was willing and able to purchase similar service at an unsubsidized market rate. The proposed Demonstration Project will exemplify a process for expanding the availability of paratransit services and lowering their cost to the user through provision of shared-ride taxi services and implementation of centralized control, which should result in significantly improved vehicle

productivities. However, the paratransit system will have a ultimate goal of being completely self-sustaining. As the system matures, fares will be adjusted to achieve this goal.

The Demonstration Program will exemplify an appropriate role for the public sector in expanding paratransit services and lowering their costs; i.e. the role of underwriting the "risk", costs of moving from a premium to a shared-ride service fare structure, assisting in overall promotion, marketing, and system information program, and insuring the overall coordination of all services being provided.

The proposed Demonstration will also show the potential for certain profitable paratransit services to cross-subsidize conventional transit services through a sharing of certain overhead cost elements as well as demonstrating strategies of service integration which improve overall system productivity.

3.4 The Centralized Control Room

The proposed service plan to be implemented under the Demonstration will utilize a single control center which will dispatch and monitor the operations of all transportation services offered within the communities of Westport and Weston.

The control center would be responsible for all communications and dispatching for the following services offered directly by, or under contract by, the Westport Transit District:

- (1) Fixed route bus services (operated by the WTD);
- (2) Supplementary fixed route services (operated by the WTD and a private contractor);
- (3) Shared-ride taxi, premium ride taxi, goods movement and special markets services (operated by private contractor);
- (4) Carpooling information brokerage.

In addition, three privately owned and operated transportation services could contract with the WTD to provide control room functions for their operations:

- (1) Limousine and out-of-town livery services;
- (2) Rent-a-Car services; and
- (3) School bus operations.

The concept of a completely integrated transportation system will be carried into a marketing and system promotion program for the first time. Services provided through both the public and private sectors will be professionally marketed using a single promotional and information program. Uniform color schemes and system logos will be used for both public and private system components. System information will be comprehensive, emphasizing the complementary nature of system elements and the comprehensiveness of the system components.

The Westport Transit District (WTD)

The Westport Transit District (WTD) is a duly constituted public transportation authority established under Chapter 103(a) of the Connecticut Statutes, ("The Transit District Enabling Act"). Through its enabling legislation, the WTD has authority to assume regulatory powers over all forms of land transportation within its geographic boundaries, including fixed route bus services and taxi services. These powers include franchise, route and fare schedule approval, driver qualifications and vehicle safety regulation. The legislation also provides the Transit District with the right to provide public transportation services directly, incur bonded indebtedness¹, and utilize powers of eminent domain with respect to transportation properties, and to provide service under contract to neighboring towns.

The Westport Transit District currently exercises its authority over and directly provides fixed route bus operations within its boundaries. (It has not, to date, assumed regulatory authority over taxi operations within its boundaries; however, the assumption of this authority may be carried out at any time through execution of a letter of intent to be filed with the Connecticut Public Utilities Control Authority.)

The WTD currently employs a full-time Executive Director, one full-time and one part-time support staff, and thirteen drivers. All vehicle maintenance and storage, as well as daily vehicle communications and control, is handled by a private contractor (who also provides school bus service for the Town of Westport).

Under the proposed work program, the WTD will assume regulatory responsibility for the provision of all transportation services within its boundaries. It will directly provide certain fixed route services using its own equipment and personnel. It will contract with private transportation company(ies) for the provision of the following services:

- (1) Shared and premium ride taxi services within Westport and Weston;
- (2) Supplementary fixed route services, special market

¹ All financial obligations are ultimately the responsibility of the member towns within the District.

(4) Dispatching

The private transportation company(ies) will be providers of personal services and will not be expected to provide any cash equity for these operations. The WTD will directly provide the following for all contract services:

- (1) Vehicles and communications equipment;
- (2) Fuel, oil, and parts;
- (3) Maintenance¹;
- (4) Control room space; and
- (5) Control room supplies

By providing these elements directly, the WTD will be able to extend certain tax benefits to services provided by private operators. The provision of capital equipment will represent a direct capital subsidy designed to lower the cost of contract services (to both the WTD and, in the case of shared-ride taxi service, to the users). These elements will be more fully discussed later in this application.

The WTD will retain all revenues from services provided directly or under contract. This will be discussed later in the detailed explanation of the Work Program (Exhibit C).

The WTD will be responsible for overall system planning and coordination. It will provide legal, accounting, and marketing functions for the entire system.

4.2 The Private Transportation Company

A newly, privately owned transportation company will be incorporated under Connecticut State Law. The company stock would be held equally by the owners of the firms currently holding certificates to provide premium ride taxi service within Westport, (or their successor firms).

Maintenance would be provided by a private contractor.

provided later in this application.)

The "Transportation Company" will provide personal services under contract to the Westport Transit District for specific elements of the total system. Separate contracts would be negotiated to provide the following services.

- (1) Shared-ride and premium ride taxi within Westport and Weston;
- (2) Supplementary fixed route services, special markets and goods movement services;
- (3) Route deviated feeder service within Weston;
- (4) Dispatching services.

(Discussion of the nature of and form of these contracts will be provided in Section 5.0 of this Exhibit.)

4.3 Private Maintenance Contractor

The current contract between the WTD and a private bus operator for vehicle maintenance and storage will be extended to cover the thirteen van vehicles which will be purchased to provide the new contract services.

It is anticipated that significant maintenance scale economics can be achieved by providing maintenance for the entire fleet (thirteen buses and fifteen vans) through a single contract which can be negotiated (or competitively bid) within the private sector.

4.4 The Town of Weston

The Town of Weston, Connecticut is located immediately adjacent and north of the Town of Westport. Weston will contract with the Westport Transit District to supply specific services (the "Weston Feeder" and "Weston Connector") discussed in the detailed work program. (Exhibit C). The WTD will provide these services under the framework of the Demonstration Project using a combination of its own and private sector resources.

4.5 Transportation Planning Consultant

A third party subcontract will be signed between the WTD and a private transportation planning consulting firm for the purpose of

providing technical support to the WTD during the pre-implementation and implementation phases of the Demonstration Project. The consultant will be experienced in design and implementation of both conventional and paratransit services and will have a basic familiarity with the Southwest Region, and current WTD operations.

4.6 Marketing Consultant and Legal Counsel

The Westport Transit District does not employ a full-time marketing director or legal counsel. Under the Demonstration Project, these responsibilities will be subcontracted to the marketing and legal firms which currently carry out the WTD programs in these areas.

data collection will be carried out by the WTD and its responsible contractors for purposes of system management. Additional funds have been included in the project budget for collection of specific information to be requested by the UMTA/TSC Evaluation Contractor.

The WTD currently collects daily riders' data for its fixed route operations on a run-by-run basis. Revenue data is also tabulated daily. The control room transactions records and driver logs for the taxi services will provide daily trip and revenue data for the demand responsive system components. In addition, the WTD currently carries out a single on-board survey, telephone survey of annual passholders, and general population survey once in the fall of each year. These surveys will be expanded with the concurrence and assistance of the UMTA/TSC Evaluation Contractor to include the new system elements to be added under this Demonstration Project.

Procedures for monitoring level of service on the demand-responsive system elements will be developed with the concurrence and assistance of the Evaluation Contractor.

A full-time Project Manager will be hired for the duration of the Demonstration and will have responsibility for:

- (1) Daily supervision of private operations contractor(s);
- (2) Supervision of marketing program;
- (3) Reporting and data collection;
- (4) Liaison with UMTA Project Manager, Evaluation Contractor, and other interested persons; and
- (5) Technical support for major employers wishing to implement carpooling and vanpooling programs

The Demonstration Project Manager will be directly responsible to the Executive Director of the Westport Transit District, who will oversee the Project Manager in the execution of the Work Program. It is anticipated that the Executive Director will spend a minimum of 25% of his time on the Demonstration Program effort.

... Money, Service of Goods, and Use of Funds ... H-53

6.1 Time Schedule

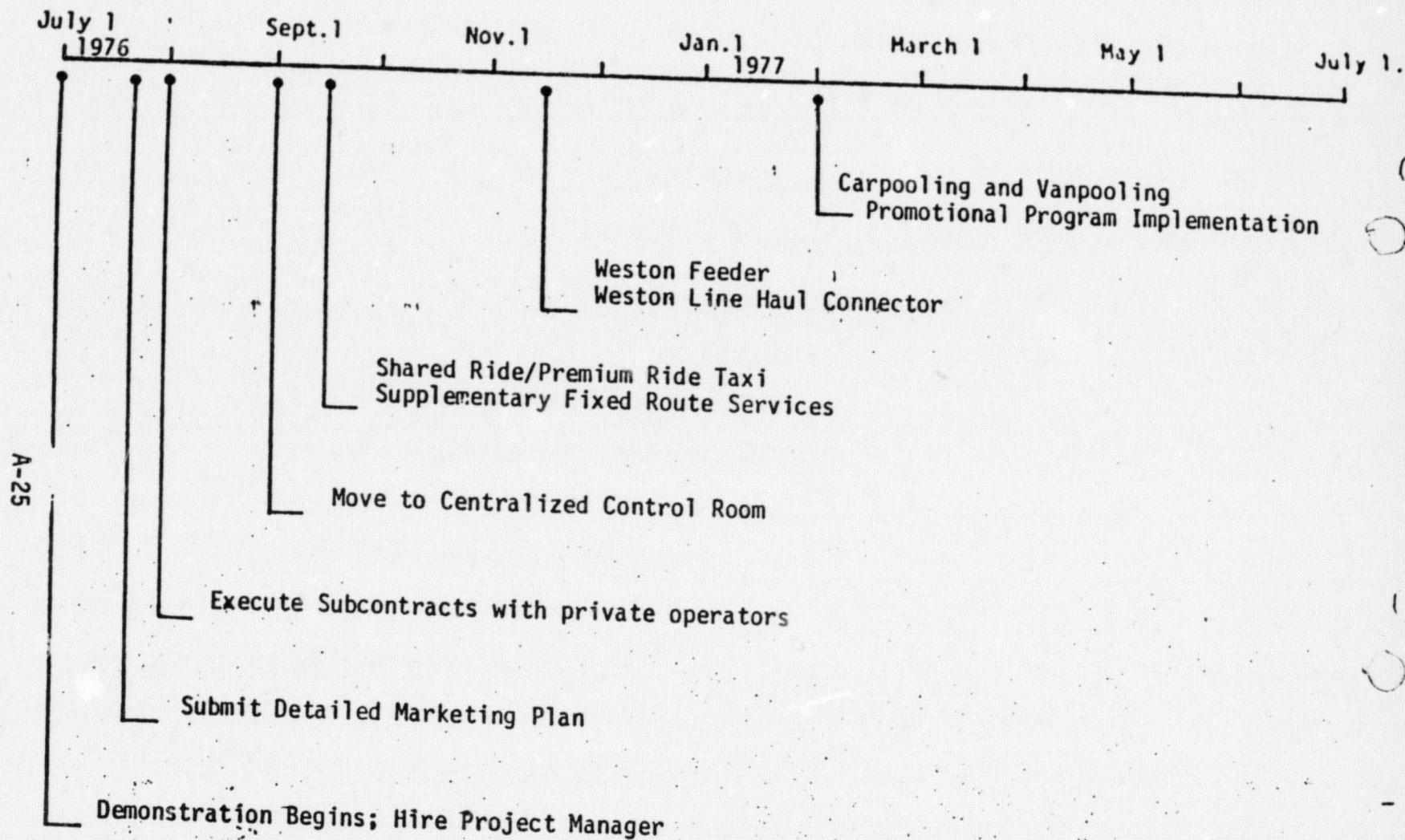
The Demonstration Project will begin July 1, 1976 and continue through June 30, 1978, a period of two years. The first two-and-one-half months of the Demonstration will be devoted to transition planning, execution of contracts, detailed system planning, and promotion of the new services. The WTD will begin to enact the necessary legal actions with respect to promulgation of regulations and authorize the marketing consultant to begin development of the detailed marketing plan immediately upon receipt of a letter of intent from UMTA to proceed with the Demonstration, authorizing incurrence of Demonstration related obligations.

The schedule (see Figure 6) for implementation of new services calls for simultaneous start-up of the new Westport service elements (taxi and fixed route bus) in mid-September, 1976. Weston feeder and connector services will be implemented one month later. The carpooling and vanpooling promotion and support programs would begin in early 1977, after a shakedown period for the other system elements.

6.2 Summary of Project Costs and Sources of Funds

The Demonstration Project will be divided into two separate accounts for purposes of funding and allocation of project costs. These two basic divisions will be "Capital Costs" and "Non-Capital Cost." Project costs will be shared by three levels of Government: Urban Mass Transportation Administration (UMTA), Connecticut Department of Transportation (ConnDOT), and the Westport Transit District (WTD). "Capital costs" associated with the project will be distributed on an 80/20 matching basis between UMTA and ConnDOT respectively. "Non-capital costs" will be split between UMTA, ConnDOT, and the WTD on 65/25/10 matching basis.

Total project costs are summarized in Table 1. Supporting detailed estimates of costs and revenues are contained in the Work program and project budgets discussions contained in Exhibits C and E.



A-25

A-54

A-53

TABLE 1
DISTRIBUTION OF PROJECT COSTS BETWEEN PARTICIPATING AGENCIES

	<u>Total Costs</u>	<u>Capital Costs</u> ¹	<u>Non-Capital Costs</u>
<u>FY 1976-1977</u>			
UMTA	387,357	188,960	198,397
ConnDOT	123,546	47,240	76,306
WTD	<u>30,523</u>	<u>-</u>	<u>30,523</u>
Total:	541,426	236,200	305,226
<u>FY 1977-1978</u>			
UMTA	223,085	-	223,085
ConnDOT	85,802	-	85,802
WTD	<u>34,321</u>	<u>-</u>	<u>34,321</u>
Total:	343,208	-	343,208
<u>BOTH YEARS</u>			
UMTA	610,442	188,960	421,482
ConnDOT	209,348	47,240	162,108
WTD	<u>64,844</u>	<u>-</u>	<u>64,844</u>
Total:	884,634	236,200	648,434

¹See Work Program(C-12) for more detailed breakdown.

²See Work Program (C-10) for more detailed breakdown.

The proposed Demonstration will create models which can be widely generalized for integration of services and service providers into a single, comprehensively planned and organized public transportation system. More specifically, the program to be undertaken will demonstrate:

- (1) Procedures for interfacing different transit and paratransit service concepts to provide comprehensive and cost-effective services.
- (2) Procedures for integrating operations provided by both the public and private sectors.
- (3) Appropriate and mutually beneficial relationships between the public and private sectors, including contractual relationships which promote efficiency and service quality while preserving a competitive private transportation sector.
- (4) The mutually beneficial interaction between transit and paratransit services and public and private operators which can be established through a comprehensively planned, managed, and promoted transportation system.

EXHIBIT B
WORK PROGRAM

H-57

1.0 LEGAL AND REGULATORY ACTIONS

1.1 Assumption of Regulatory Power Promulgation of New Regulations, Issuance of Certificate(s) of Public Convenience and Necessity

Under the Connecticut Transit District Enabling Act (Chapter 103(a), Connecticut Statutes), the WTD may, upon application to the State PUCA, assume regulatory powers over taxi operations within the geographic boundaries of the Transit District. The assumption of regulatory powers will give the WTD the authority to promulgate a new set of administrative regulations which conceptually define and differentiate "premium ride taxi", "shared-ride taxi" and "route deviation" (or "demand jitney") services, and determine licencing requirements. (The ITA Compendium will be used as a basis for promulgation of the new regulations.)

Under the enabling legislation, the WTD will be required to recognize the existing "Certificates of Public Convenience and Necessity" held by the two private taxi operators in Westport. These Certificates are held for (what will be known under the new regulations to be promulgated as) "premium ride taxi service." This recognition will be carried out with the specific qualification that shared ride services are not permissible under these existing certificates.

The WTD will then move to issue a single "Certificate of Convenience and Public Necessity for Shared Ride Services". The WTD will offer an option right for this Certificate to a single company ("The Private Transportation Company") composed of the two existing certificate holders (joined in an equal equity partnership or corporation) or their successor firms. The WTD will offer this option right only to the Private Transportation Company representing the two existing premium ride certificate holders (or their successor firms); the two existing operators will have three options available which would enable the new transportation company to exercise the shared-ride certificate option:

- (1) Joining together as partners in the new transportation company;
- (2) Agreeing to terms for one certificate holder to buy out the other;
- (3) Agreeing that one of the existing certificate holders will sell his "rights" to the new transportation company to a third party acceptable to the remaining certificate holder.

If the existing two operators cannot agree to one of these three courses of action, the WID will offer the certificate to a single company on the basis of a competitive bid, limited (in the first contract year(s)) to the existing private operators within Westport. The competitive bid will be solicited for provision of the new "contract services" specified late in this Work Program, (including shared-ride taxi service, special market services, supplementary fixed route services, and the Weston feeder service).

1.2 Exercise of Authority to Regulate Fares

The WID will utilize its authority to regulate taxi fares to achieve two goals:

- (1) The development of a zone-based fare structure suitable for shared-ride taxi and premium ride taxi service which can be easily interpreted and understood by the user public.
- (2) The centralization of a control room activities in a single location for all public transportation services.

It will achieve the former goal in a straightforward way. A zonal fare system will be developed which will replace the existing (distance based, non-metered) fare schedule. The zonal fare schedule will be calibrated so as to generate an average revenue of \$2.00 per trip within Westport. A flat surcharge of \$1.00 or \$1.50 (depending on trip length) will be imposed for premium ride service. Group riding will be allowed at a slight discount. Tipping will be actively discouraged, (and drivers salaries adjusted accordingly). At the end of the first full year of service, the shared-ride fares will be adjusted, if necessary, to ensure the full recovery of operating costs, based on observed system productivity.

H-57

The second objective, consolidation of control room activities, will hopefully be achieved through voluntary cooperation; however, it may legally be promoted by the WTD through its rate (fare) setting authority. In exercising that authority, the WTD will have the ability to define "legitimate costs of business" and "reasonable return on investment" for purposes of determining premium ride fare levels. The method to determine "legitimate costs" is an important one. Using that method, the WTD can define the "legitimate costs" of private operators with respect to control room overhead and staff costs as only those expenses (equivalent or equal to the costs) which would be incurred if the operator were purchasing control services from the central control facility. In essence, by establishing this legitimate cost framework, the WTD will be determining that there is a compelling public interest in centralizing control room activities, and that, as the regulatory authority, the WTD would no longer be willing to pass along to the user the costs of duplicative control room overhead(s).

1.1 Contractual Relationships

The Westport Transit District would execute three different types of contracts with private transportation operators under the Demonstration Project:

- (1) Provision of maintenance services, vehicle storage, and fuel storage;
- (2) Provision of premium and shared-ride taxi service, goods movement and special markets services, Weston feeder service, and control room service;
- (3) Provision of central control room services for private transportation services.

Each of these contracts will be discussed in turn.

A contract will be executed with a private operator to provide complete maintenance facilities, maintenance staff, fuel and vehicle storage facilities, maintenance supervision and fleet management functions. The contract will be negotiated on a fixed price basis and will be annually renewable. The WTD currently has this type of contractual relationship with the local school bus operator in Westport.

(2) Taxi, Goods Movement, Weston Feeder, and Control Room Services

A contract will be executed with the newly created "Private Transportation Company" (or the successful bidder, if such a company cannot be formed) to provide personnel, supervisory and management functions for the following system elements:

- (a) Shared-ride/premium ride taxi service, goods movement service, and special market service.
- (b) Specified supplementary fixed route services.
- (c) Weston feeder service.
- (d) Control room and dispatching services for the above named services, plus all fixed route services provided directly by the WTD.

The contract will be negotiated on a cost plus fixed management fee, with an additional bonus profit incentive for efficient operation of the shared-ride/premium ride taxi service¹. This profit incentive will be based on passengers carried and will be directly tied to system productivity levels. Minimum service levels for demand-responsive services will be specified as necessary conditions which must be met for payment of both the management fee and the bonus profit.² The minimum service levels, combined with the profit incentive, will serve to stimulate the private operator to provide the most efficient service possible on the demand-responsive system elements.

Under this contract, all revenues generated from these services would belong to the Westport Transit District.

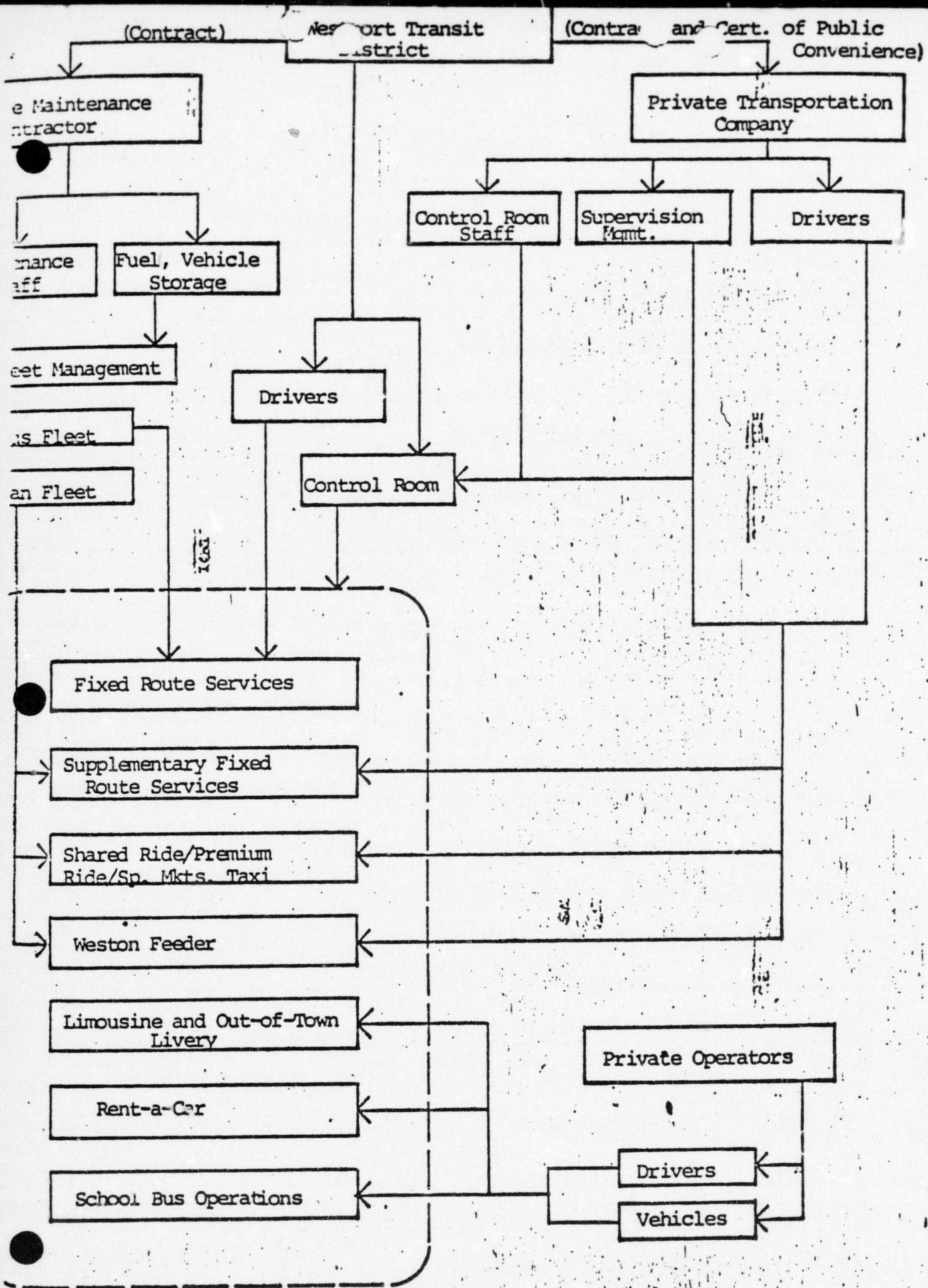
The recommended profit is .05/pass. for system productivity ≤ 2.0
 .06/pass. for system productivity = 2.1 to 2.5
 .07/pass. for system productivity = 2.6 to 3.0
 .08/pass. for system productivity = 3.1 to 3.5
 .09/pass. for system productivity = 3.6 to 4.0
 .10/pass. for system productivity ≥ 4.1

² The recommended minimum service levels are average wait times of 20 minutes (with and 5.D. ≤ 10 minutes), and an average travel time of 25 minutes (with a 5.D ≤ 15 minutes) for shared ride taxi service.

The Westport Transit District will negotiate contracts to supply control room services for private transportation services (e.g., limousine, out-of-town livery, rent-a-car, and school buses) operating within Westport. These contracts will call for the WTD to receive payment from the private operator for provision of comprehensive control room services.

Figure 7 displays the inter-relationships between the primary participants and the services to be provided.

This discussion has been developed as background in order to define the intended processes and contractual relationships which will be established in order to implement the service program described in Section 2.0 of this Work Program. Section 3.0 describes control room services, and Section 4.0 describes the program for system management and administration of the Demonstration Project.



Supplementary Fixed Route Services

Additional fixed route services will be offered on the fixed commuter routes and CBD routes both directly by the Westport Transit Authority, using its own drivers and buses, and by the private transportation company, using its own drivers and WTD van-type equipment.

Specifically, the following new fixed route services will be provided (see Figure 8):

- (1) A single new commuter route ("H") will be operated in the Saugatuck Shores area of Westport using a single additional vehicle for two hours in the AM and PM peaks, serving three AM and three PM trains.
- (2) Commuter service will be doubled on the remaining seven AM commuter routes by using the van vehicles from 7:30 A.M. to 9:00 A.M. Service will be provided to four morning trains, including the 7:45 A.M. and 8:30 A.M. trains.
- (3) CBD-oriented service will be extended by two hours each weekday on all seven CBD oriented routes, using the van vehicles. New runs will be instituted leaving Jessup Green at 5:15, 5:50 and 6:25 P.M. The 5:15 runs will be subscription service, with first priority given to CBD employees.
- (4) Line haul connector service will be offered using a single bus from Weston Center to Westport from 6:30 A.M. to 8 P.M. During the commuter hours, the bus will operate to Saugatuck Station, serving the 7:05 A.M., 7:45 and 8:30 A.M. trains in the morning, and the 5:57, 6:27 and 7:07 P.M. trains. The evening commuter service will also stop at Jessup Green in Westport Center. Commuter service from Weston will enter Westport and run the existing Commuter Route C (see Figure 3), allowing expansion of service on that route to Westport residents living north of the Merritt Parkway as well. The "Weston Connector" will operate on the same 35-minute headway during the midday as other routes in the WTD system.

The supplementary fixed route services will be implemented in Westport in mid-September, 1976 (simultaneously with the start-up of the shared-ride taxi service). The Weston Connector fixed route will be implemented one month later (simultaneously with the Weston feeder system). The services will be offered using a combination of

Shared Route Taxi/Tram Taxation Schedule

Vehicle 1		
2		
3	6:30	
4	7:00	
5		(Friday & Sat. Only)
6		

Special Services

Vehicle 5

Fixed Route Supplement

Vehicle 5	7:30	9:00	CRA	5	7	CBD1
6			CRB			CBD2
7			CRC			CBD3
8			CRD			CBD7
9			CRE			
10			CRF			
11			CRG			
12*			CRH			

Weston Feeder

Vehicle 9	(Summer Only)	8PM	WF1
10			WF2
11			WF3
12			WF4

WTD Fixed Route Service

Vehicle A	6AM	8PM	WC
B			CBD4
C			CBD5
D			CBD6
E			CR(H)

* New Saugatuck Shores Commuter Route

Vehicle 1 = van
2
3
etc.
Vehicle A = bus
B
C
Vehicle X = pri
tax
V
CR(1) = commut
CBD(1) = CBD
WF(1) = Weston F
WC = Weston C

B-9

A-24

utilizing the van equipment to be purchased under the demonstration. (See Figure 8).

A-65

These fixed route services will be provided in two different ways, to maximize the efficient utilization of manpower and capital equipment. The Weston Connector and certain evening CBD supplementary services will be operated directly by WTD drivers using bus equipment. This is necessitated by the anticipated level of demand on these routes. The remaining supplementary fixed route service will be provided by the private transportation company using the van equipment. The WTD, in such cases, will be responsible for direct purchase of the fuel, oil, parts, maintenance and vehicle storage in order to take advantage of the WTD's tax exempt status.

The estimated direct operating costs (labor, vehicle maintenance and storage, fuel, oil, parts, and insurance) of providing these services are contained in Tables 2 and 3.

As a part of the service expansion program, the WTD will adopt a new fare policy (on or about July 1, 1976); issuing separate "commuter" and "regular" annual passes for the first time. The commuter pass will be priced at approximately \$70/year; \$40 of this revenue will be a "surcharge" earmarked specifically as an offset for Demonstration Project service costs.¹ The regular passes, which presently average \$17/pass/year, will be increased to approximately \$23 in March or April of 1976. In August, 1976 an (additional) "surcharge" of \$5 will be added to the pass cost as an offset for services provided under the Demonstration.² (This surcharge will be increased to \$7 in the second year). It is estimated that 450 commuter passes and 5000 regular passes will be sold to Westport residents in the first year of the Demonstration. Detailed revenue projections are contained in Exhibit E. Information on Weston pass sales is contained in Section 2.3).

¹ This surcharge will be increased to \$7 in the second year.

² Fares for Weston will be discussed in Section 2.3.

TABLE 2

ESTIMATE: DIRECT OPERATING COSTS OF FIXED ROUTE SUPPLEMENTARY SERVICES PROVIDED BY PRIVATE CONTRACT FOR (FY 1976-1977 DOLLARS)

	<u>FY 76-77</u> <u>(3885 hrs.)</u>	<u>FY 77-78</u> <u>(4810 hrs.)</u>	<u>FY 78-79</u> <u>(4810 hrs.)</u>
Direct Labor	17,483	21,645	21,645
Insurance and Storage (4@ \$2250)	6,750 ¹	9,000	9,000
Fuel, Oil and Parts (\$1.14/hr.)	4,429	5,483	5,483
Insurance (4 veh. @ \$1320)	<u>3,690¹</u>	<u>5,280</u>	<u>5,280</u>
TOTAL	32,352	41,408	41,408

Cost prorated for 9 months of service.

TABLE 3

COST ESTIMATES FOR NEW FIXED ROUTE SERVICES PROVIDED
DIRECTLY BY WESTPORT TRANSIT DISTRICT¹ (FY 76-77 DOLLARS)

	<u>FY 76-77</u> <u>(4602 hrs.)</u>	<u>FY 77-78</u> <u>(6136 hrs.)</u>	<u>FY 78-79</u> <u>(6136 hrs.)</u>
total cost at hourly average ²			
operating cost of \$13.57/hour ²	\$62,449	\$85,708	\$85,708

¹ Weston Connector, additional evening CBD service, and new commuter route.

² Note: Administration costs are included in this figure due to use of average hourly cost figure.

An integrated demand responsive system, providing four basic
of intra-community service, will be implemented in Westport by a
contractor utilizing a single fleet of van-sized vehicles. The
services, which will be operated out of a single central control
are:

H-68

- (1) Shared-ride taxi;
- (2) Premium ride taxi;
- (3) Advance request special market Dial-a-Ride;
- (4) Small package urban goods movement.

Ride sharing will be the basic service mode. A new zonal fare structure will be designed to recapture full operating costs at the projected eventual equilibrium level productivity, which is anticipated to be greater than 4.0 passengers. Initially, the fare schedule will be structured to collect an average fare of \$2.00 per trip (compared to the current average fare of \$2.40, excluding tips); however, the new zonal fares will be based on a no-tipping fare structure. Drivers' direct taxes will be adjusted to reflect this policy change which will eliminate tips as a source of income.

Premium ride service will be provided within Westport for a flat surcharge of \$1.00 or \$1.50, depending on trip length. Goods movement service will be offered at a slight fare reduction, (average fare equal to \$1.50) provided that the delivery need not receive priority and can be delayed up to four hours.

Advance request¹ dial-a-ride services will be provided to the elderly, handicapped with a single specially equipped vehicle.

In addition, special reduced fares will be made available to WTD annual passholders at selected locations and times. Commuter passholders

¹Requests must be received at least 4 hours before service is required.

will be able to use the shared-ride taxi system : a flat fare of \$1.00 after 7:30 P.M. on weeknights for trips originating at the railroad station. Regular passholders may similarly, be able to use the shared-ride system on Friday and Saturday evenings for a flat fare of \$1.00; CBD employees who use the 5:15 P.M. subscription run on the fixed route system will also be able to use the shared-ride system as a "back-up mode" for a \$1.00 fare. A-69

By consolidating all intra-Westport demand-responsive services into a single vehicle fleet under a single control center it is anticipated that significant gains in productivity can be achieved. Current vehicle productivities are between 1.6 and 1.8 trips per hour. Demand rates for the combined taxi system average twelve per hour, and peak at slightly less than 20 trips per hour. These peaks are currently focused on the rail station for trains not served by the WTD, and it is anticipated that expanded commuter service will lower the peaking factor.

Application of analytic supply models for dial-a-ride (and shared ride taxi) developed by ECI Systems, Inc. under contract to USDOT/TSC indicate that anticipated demand levels can be served with acceptable levels of service with a fleet of four to six vehicles (see Table 4).

Currently, the total average daily level of trip making by taxi within Westport ranges from 200 to 220 trips per day. (See Attachment A for a detailed analysis of existing taxi operations.) It is anticipated that a small part of this market will be lost due to increased fixed route commuter service. This should be offset, however, by the new demand which will be generated by the reduced zone fare structure, discounts to annual passholders at selected times and locations, and the extensive system marketing program to be undertaken. The marketing program will aggressively seek to tap a whole new market segment of potential users who currently never consider the taxi as an available transportation alternative.

It is conservatively anticipated that the slight drop in the level of ridership to 200 passengers per day may occur in the first three months of the new services, but that daily ridership averaging 225 trips/day will be realized 3-6 months after implementation of service, 250

TABLE 4

RESULTS OF APPLICATION OF ANALYTIC SUPPLY MODEL¹

Arrival Rate (Vehicles/Hour)	No. of Vehicles	Productivity	Level of Service		Stability ²
			Wait Time	Travel Time	
10	4	2.50	09.42	15.74	Stable
15	4	3.75	12.87	19.42	Stable
20	4	5.00	17.49	23.71	Stable
	5	4.00	12.26	11.00	Stable
25	4	6.25	23.74	28.80	Unstable
	5	5.00	15.67	21.26	Stable
30	5	6.00	20.01	24.51	Unstable
	6	5.00	14.30	19.72	Stable
35	5	7.00	25.56	28.19	Unstable
	6	5.833	17.45	21.99	Stable
	7	5.00	13.21	18.62	Stable
40	6	6.666	21.43	24.50	Unstable
	7	5.71	15.75	20.32	Stable

NOTE: Assumes all vehicles remain in service area.

¹Model developed by ECI Systems, Inc. under a research contract DTT-TSC-977, (U.S. Department of Transportation, Transportation Systems Center.

²Refers to ability of system to provide consistent, reliable service at all times.

TABLE 5

COST ESTIMATE: DIRECT OPERATING COSTS OF SHARED-RIDE, PREMIUM
RIDE AND GOODS MOVEMENT TAXI SERVICE (FY 76-77 DOLLARS)

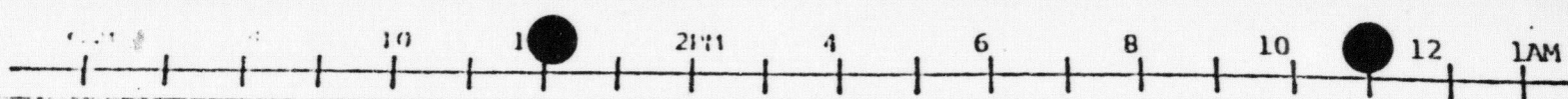
	<u>FY 76-77</u> <u>(22,408 hrs.)</u>	<u>FY 77-78</u> <u>(27,742 hrs.)</u>	<u>FY 78-79</u> <u>(27,742 hrs.)</u>
Direct Labor	100,850	124,839	124,839
Maintenance and Storage (4@\$2250)	6,750 ¹	9,000	9,000
Fuel, Oil and Parts (@\$1.14/hr.)	25,545	31,625	31,625
Insurance (4@\$1320)	<u>3,960¹</u>	<u>5,280</u>	<u>5,280</u>
TOTAL:	137,105	170,744	170,744

¹ Prorated for nine months of service

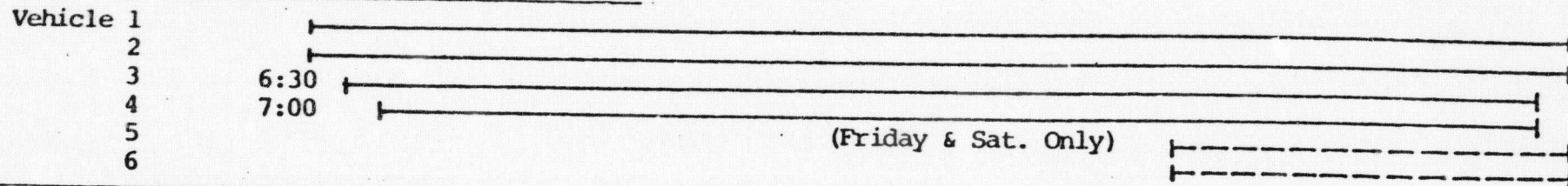
TABLE 6

COST ESTIMATE: DIRECT OPERATING COSTS OF SPECIAL MARKETS SERVICE
(FY 76-77 DOLLARS)

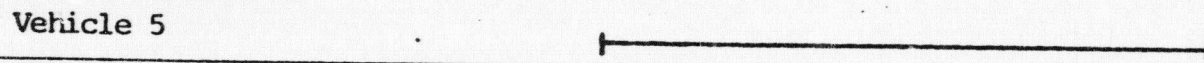
	<u>FY 76-77</u> <u>(2496 hrs.)</u>	<u>FY 77-78</u> <u>(2497 hrs.)</u>	<u>FY 78-79</u> <u>(2496 hrs.)</u>
Direct Labor	11,232	11,232	11,232
Maintenance and Storage (@\$2250)	2,250	2,250	2,250
Fuel, Oil and Parts (2\$1.14 hr.)	2,846	2,846	2,846
Insurance (@\$1320)	<u>1,320</u>	<u>1,320</u>	<u>1,320</u>
TOTAL:	17,648	17,648	17,648



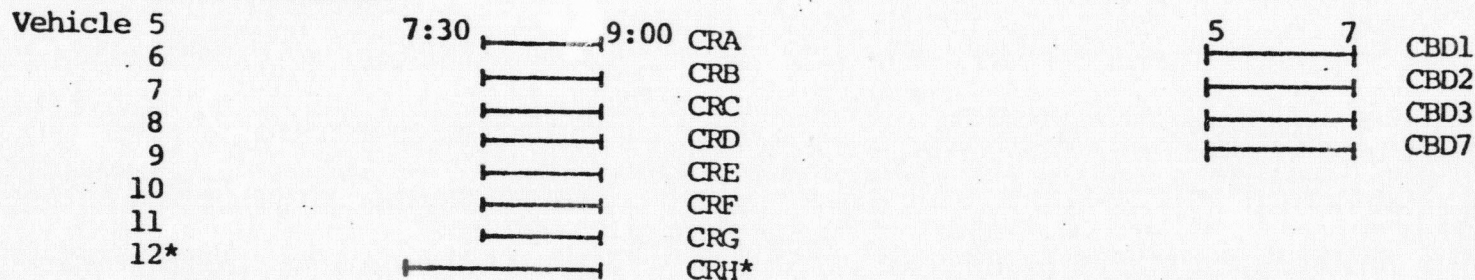
Shared Ride Taxi/Premium Taxi/Goods Movement



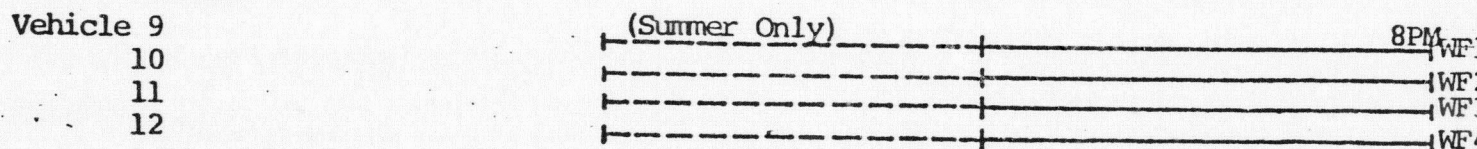
Special Services



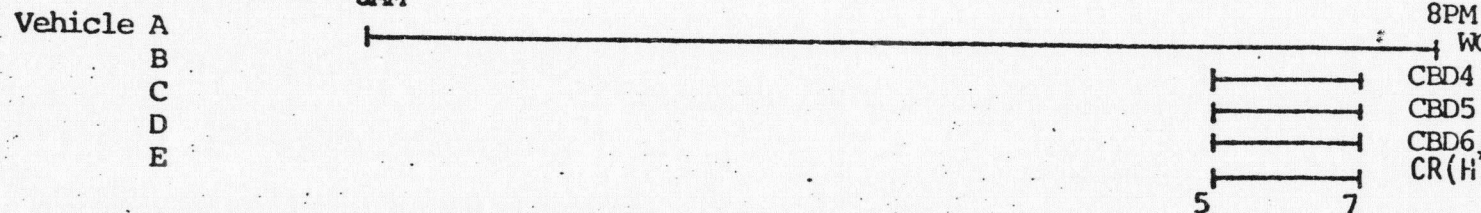
Fixed Route Supplement



Weston Feeder



WTD Fixed Route Service



* New Saugatuck Shores Commuter Route

KEY

Vehicle 1 = van type
2
3
etc.
Vehicle A = bus type
B
C
Vehicle X = private a
V taxi

CR(1) = commuter route
CBD(1) = CBD route 1
WF(1) = Weston Feed
WC = Weston Connect

B-18

4/13

charges in the first nine months, \$282,000 in the next five months, and \$362,000 in the third year. (See Exhibit E for a detailed projection of revenues).

Cost estimates for provision of taxi, special markets and goods movement services are detailed in Tables 5 and 6. Figure 9 displays the relationship between these services, other new services and the utilization of the vehicle fleet.

2.3 Weston Feeder Service

Feeder service will be provided on four routes converging on Weston Center (see Figure 10). The feeder system will be a route deviation service, sharing the central control facilities with the other components of the Westport system. Deviations will be limited to 1/2 mile from the specified routes, and will be priced at \$.50 per deviation above the base fare (or annual pass). The system will be operated by the private contractor, using twelve passenger vans.

The feeder routes (see Figure 11) will be operated on 35-minute headways which will be timed to converge on Weston Center at the same time as the fixed route connector between Weston and Westport Centers.

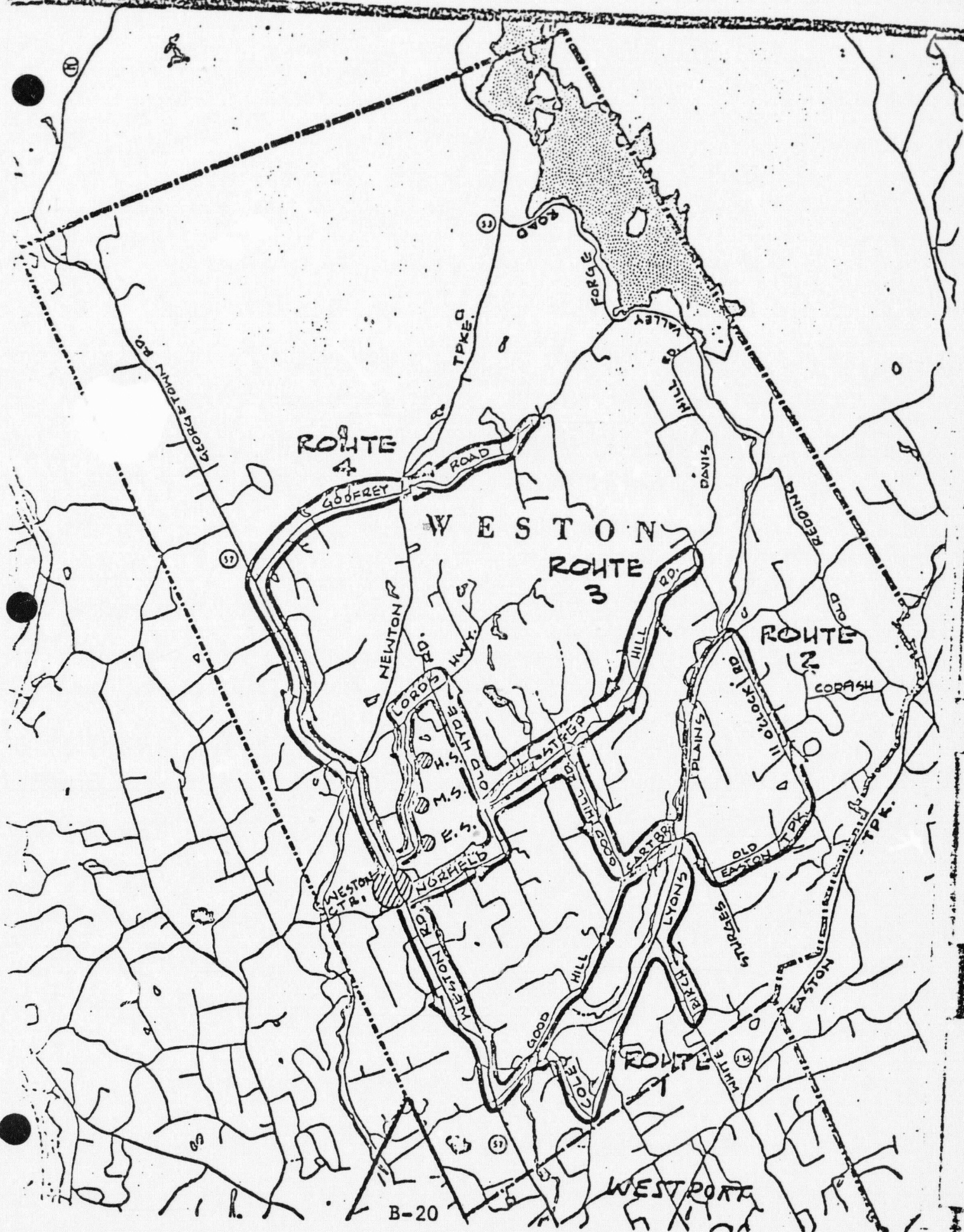
Service will be offered on the feeder routes from 2 P.M. to 8 P.M.¹ on weekdays, and 9 A.M. to 5 P.M. Saturdays. During the summer months the feeder will operate from 9 A.M. to 8 P.M.

The annual pass concept currently utilized in Westport will be extended to include Weston services. The price of the daytime pass for Weston residents will average \$35 (approximately 25% higher than the cost to Westport residents), reflecting the fact that slightly lower system productivities and longer trips are anticipated for Weston system components. Commuter passes will be sold at an annual cost of \$75 (five dollars more than for Westport residents), again reflecting longer average trip lengths.

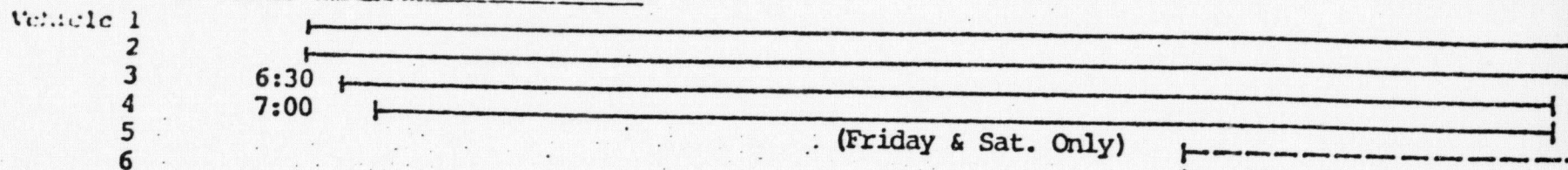
¹Times include twenty minutes of non-productive (deadhead) time from Westport garage site to Weston Center.

ONE MILE

A-75



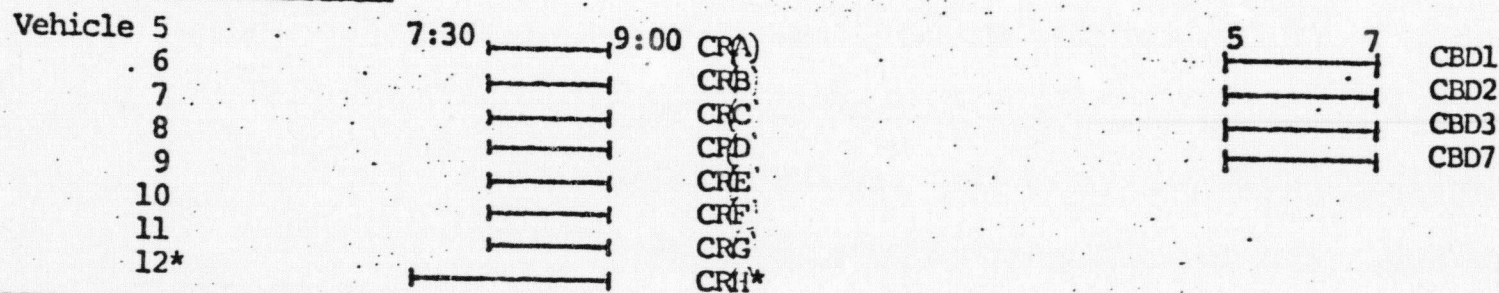
Fast Route Line Vehicle Movement



Special Services

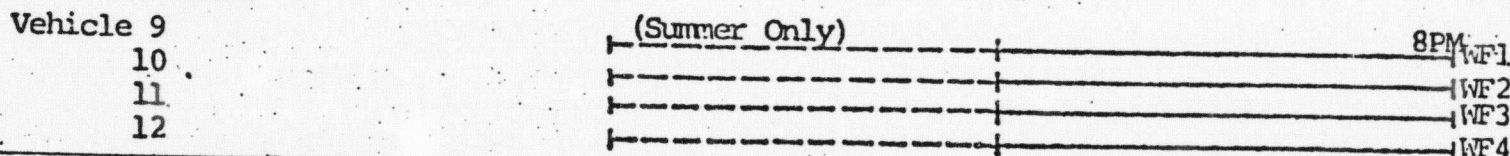
Vehicle 5

Fixed Route Supplement



B-21

Weston Feeder



WTD Fixed Route Service



* New Saugatuck Shores Commuter Route

Vehicle 1 = van

2

3

etc.

Vehicle A = bus

B

C

Vehicle X = priv

V taxi

CR(1) = commuter

CBD(1) = CBD route

WF(1) = Weston

WC = Westo

H-74

A-77

A more detailed discussion of transit needs, anticipated demand, and projected pass sales is contained in Attachment B to this application.

Service on the Weston Feeder and Weston Connector will be implemented in mid-October, 1976, approximately one month after the start-up of the new services in Westport.

Table 7 details the anticipated direct operating costs which will be incurred in providing Weston Feeder Service.

2.4 Carpooling and Vanpooling Matching

The WTD staff will be responsible for acting as a technical resource to the two major employers in Westport (Stauffer Chemical and Glendenning Publishing) assisting them in implementing vanpooling and carpooling programs for their employees. The WTD will work with these employers to develop internal and self-sustaining programs for ride sharing. It will assist in providing employer access to the ConnDOT computer matching program, where appropriate.

In addition, the WTD will assist the Westport Downtown Merchants Association in developing a carpooling program for the CBD employees. Promotional materials will be supplied and the WTD Central Control Room will serve as a clearinghouse for carpool information and referral services. The ConnDOT matching program may be utilized; however, a manual matching program may be preferable for the size of the potential market involved.

The carpooling and vanpooling program will be relatively low key. It will be directed by the Demonstration Project Manager, and information referral will be handled directly by the central control room staff.

Funds for marketing and promotion are included in the marketing budget (see Work Program Element 5.3) and existing marketing materials (Highway Users Federation/FHWA/FEA packages) will be utilized for this effort.

	<u>FY 76-77</u> (6534 hrs.)	<u>FY 77-78</u> (9204 hrs.)	<u>FY 78-79</u> (9204 hrs.)
Direct Labor	\$29,403	\$41,418	\$41,418
Maintenance and Storage (4 vehicles @\$2250)	6,750	9,000	9,000
Fuel, Oil and Parts (@\$1.14/hour)	7,449	10,492	10,492
Insurance (4@\$1320)	<u>3,690¹</u>	<u>5,280</u>	<u>5,280</u>
TOTAL:	47,562	66,190	66,190

TABLE 7B

WESTON ANNUAL PASS FARE SCHEDULE

Single Adult Pass:

Regular	\$45
Commuter	\$85
Single Childs' Pass	\$35

Family Passes:

Husband and Wife (regular)	\$75
Husband and Wife (regular and commuter)	\$105
Each Additional Child	\$35

¹Prorated for nine months in first year.

TABLE 8
SUMMARY OF ESTIMATED OPERATING COSTS
(COSTS IN FY 76-77 DOLLARS)

	<u>FY 76-77</u>	<u>FY 77-78</u>	<u>FY 78-79</u>
A. Supplementary Fixed Route Services-Private Contractor (Table 2)	32,352	41,408	41,408
B. Supplementary Fixed Route Services WTD (Table 3)	62,449	85,708	85,708
C. Shared Ride/Premium Ride Taxi Services (Table 5)	137,105	170,744	170,744
D. Special Markets Services (Table 6)	17,648	17,648	17,648
E. Weston Feeder Service (Table 7)	<u>47,562</u>	<u>66,190</u>	<u>66,190</u>
TOTAL: (Excluding inflation and contingencies)	297,116	381,698	381,698
Inflation Factor:	<u>1.00</u>	<u>1.08</u>	<u>1.1664</u>
	297,116	412,234	445,213

Under the Demonstration Project a single consolidated central control room will be established to be responsible for vehicle communications and dispatching for all the vehicles operating under the auspices of the WTD, (i.e., fixed route, taxi and Weston feeder vehicles). The control room space and equipment will be provided directly by the WTD, while responsibility for control room staffing and supervision will be contracted to the private transportation company.

The WTD intends to utilize a newly developed interactive telephone answering system ("Con-Mode") in order to minimize the requirements for control room staff. It is anticipated that use of the Con-Mode system will provide significant cost savings in the area of telephonist staff. It is currently projected that a single full-time dispatcher will be able to handle the entire control system for the majority of the service day; therefore, a telephonist has been budgeted for those hours when the Weston feeder system is in operation. The control room hours of operation will match the taxi system hours of operations, 6 A.M. to 1 A.M. seven days per week.

The estimated costs of control room operation are contained in Table 9.

TABLE 9

COST ESTIMATE: CONTROL ROOM OPERATIONS
(FY 76-77 DOLLARS)

	<u>FY 76-77</u>	<u>FY 77-78</u>	<u>FY 78-79</u>
Labor			
Dispatcher ¹	\$32,022	\$39,530	\$39,530
Telephonist ²	6,336	8,836	8,836
Office Overhead			
Rental (\$300/month) ³	3,600 ³	3,600	3,600
Utilities (\$25/month)	300	300	300
Telephones (\$175/month)	1,750	2,100	2,100
Telephone installation charge	<u>150</u>	<u>-</u>	<u>-</u>
TOTAL COSTS (EXCLUDING INFLATION AND CONTINGENCIES)	\$44,158	\$54,366	\$54,366
Inflation Factor:	<u>1.00</u>	<u>1.08</u>	<u>1.1664</u>
TOTAL (EXCLUDING CONTINGENCIES)	\$44,158	\$58,715	\$63,412

¹Includes 20% benefits; assumes 5618 hours of service in first year and 6935 hours in following years.

²Includes 20% benefits; assumes 1650 hours in first year, 2301 hours in second and third years.

³Assumes full year of rental in first year.

4.0 SYSTEM MANAGEMENT

As discussed in Section 1.0 of this Work Program, the WTD intends to contract with the private transportation company for personal management services including driver and control room supervision, and responsibility for supervision of daily operations of all system components operating under the aegis of the WTD. As described earlier, the WTD will execute a cost plus fixed management fee contract for these services. The contract period will coincide with the period of operations under the Demonstration-September, 1976 through June, 1978. The flat management fee has been estimated at approximately 7.5% of the costs of the projected operations to be supplied by the private contractor.

In addition to the flat management fee, the private transportation company will receive a bonus profit for efficient operation of the shared-ride/premium ride taxi service. The company will receive a guaranteed profit of \$.05 per passenger carried, provided that service level minimums are met. The profit per passenger will increase as system productivity increases (see Table 10). The profit bonus will be calculated and paid monthly, based on the previous months, total taxi system ridership and vehicle hours of service.

The private transportation company will be expected to pay its own administrative costs (legal, accounting, payroll, etc.) out of the flat management fee. However, it is also expected that the owners of the private transportation company will choose to hire themselves as control room employees and pay themselves direct wages and benefits.

Table 11 identifies the estimated costs of the system management fees and taxi profit bonuses during the course of the Demonstration.

A separate contract for maintenance of both the bus and van fleets will be negotiated with the existing maintenance contractor. This contract will specifically cover maintenance and storage of the thirteen van-type vehicles to be purchased for the Demonstration Project, as well as fuel storage for the gas powered van vehicles. It is estimated that this contract can be negotiated at an annual cost of \$29,250. These

TABLE 10
PROFIT BONUS FOR TAXI SERVICES

Profit Per Passenger

.05
.06
.07
.08
.09
.10

System Productivity

≤ 2.0
2.1 to 2.5
2.6 to 3.0
3.1 to 3.5
3.6 to 4.0
 ≥ 4.1

TABLE 11
COST ESTIMATE: SYSTEM MANAGEMENT FEES
(FY 76-77 DOLLARS)

	<u>FY 76-77</u>	<u>FY 77-78</u>	<u>FY 78-79</u>
Flat Management Fee	\$12,000	\$14,000	\$14,000
Profit Bonus	<u>8,000</u>	<u>10,000</u>	<u>10,000</u>
TOTAL COSTS (EXCLUDING INFLATION AND CONTINGENCIES)	\$20,000	\$24,000	\$24,000
Inflation Factor:	<u>1.00</u>	<u>1.08</u>	<u>1.16664</u>
TOTAL (EXCLUDING CONTINGENCIES)	\$20,000	\$25,920	\$27,994

4-83

costs have already been included in the operating cost estimates contained in (Tables 2, 3, 5, 6 and 7) Section 2.0 of this Work Program (as the line item: ("Maintenance and Storage").

5.0 DEMONSTRATION ADMINISTRATION

5.1 Project Management

The Westport Transit District will hire a full-time Project Manager and half-time secretary specifically for the purpose of overseeing the Demonstration Project on a daily basis, responding to the administrative, management, reporting and liaison activities inherent in the Demonstration Project.

The Project Manager will have specific responsibility for:

- (1) Daily supervision of private operations contractor(s)
- (2) Supervision of marketing program
- (3) Liaison with UMTA Project Manager and Evaluation Contractor
- (4) Reporting and Data Collection (as discussed in Exhibit D)
- (5) Technical support for major employers wishing to implement carpooling and vanpooling programs.

The Project Manager will be supported by a half-time secretary.

Richard Bradley, Executive Director of the Westport Transit District will devote approximately 25% of his time to the Demonstration Project, and will assume overall responsibility for direction of the Demonstration Project. He will assume direct responsibility for financial administration of the project.

In addition, it is anticipated that a small subcontract would be executed with ECI Systems, Inc. (Cambridge, Massachusetts) to provide technical support services during the pre-implementation phases for purposes of assisting in final system design, and continuing throughout the Demonstration in an advisory capacity. ECI Systems, Inc. would be awarded this contract on a sole source basis because of its previous involvement in developing the overall Demonstration Design for the project.

5.2 Legal and Accounting Activities

Considerable discussion of legal contracts to be executed and regulatory actions to be taken by the WID has been furnished in Section 1.0 of this Work Program. It is anticipated that legal and accounting

activities will be "front-end loaded", requiring considerable attention in the six months preceeding the implementation of services.

The WTD will continue to utilize the services of its current counsel, Richard Berkowitz (Berkowitz and Balbirer, P.C., Westport, Connecticut), to carry out the legal actions and negotiate the contracts discussed in Section 1.0

The current WTD accountant, Leo Samitz (C.P.A.) will continue in this role during the Demonstration Project. Separate financial accounts will be set up for the Demonstration Project. All subcontractors working on a cost plus fixed fee basis will be audited regularly during the course of the Demonstration.

5.3 Promotion and Marketing

A comprehensive marketing and promotional program will be developed and executed by Shailer, Davidoff, and Rodgers (Fairfield, Connecticut), the current marketing consultants for the Westport Transit District. The marketing program, will stress system comprehensiveness and the complementary nature of the system components.

The current red, and white color scheme of the WTD bus fleet will be extended to the new van fleet. The system identifying "logo-", currently "Minnybus" and "Maxybus" for the 16 and 32 seat vehicles respectively, will be extended to include the new 12 passenger vans.

The goals of the marketing program will be:

- (1) Full understanding of the available options within the system, (how to use them, when to use them) by the general population.
- (2) Increased awareness of taxi services as an alternative to the private automobile.
- (3) Extension of the positive image of current WTD services to the new paratransit services to be introduced.

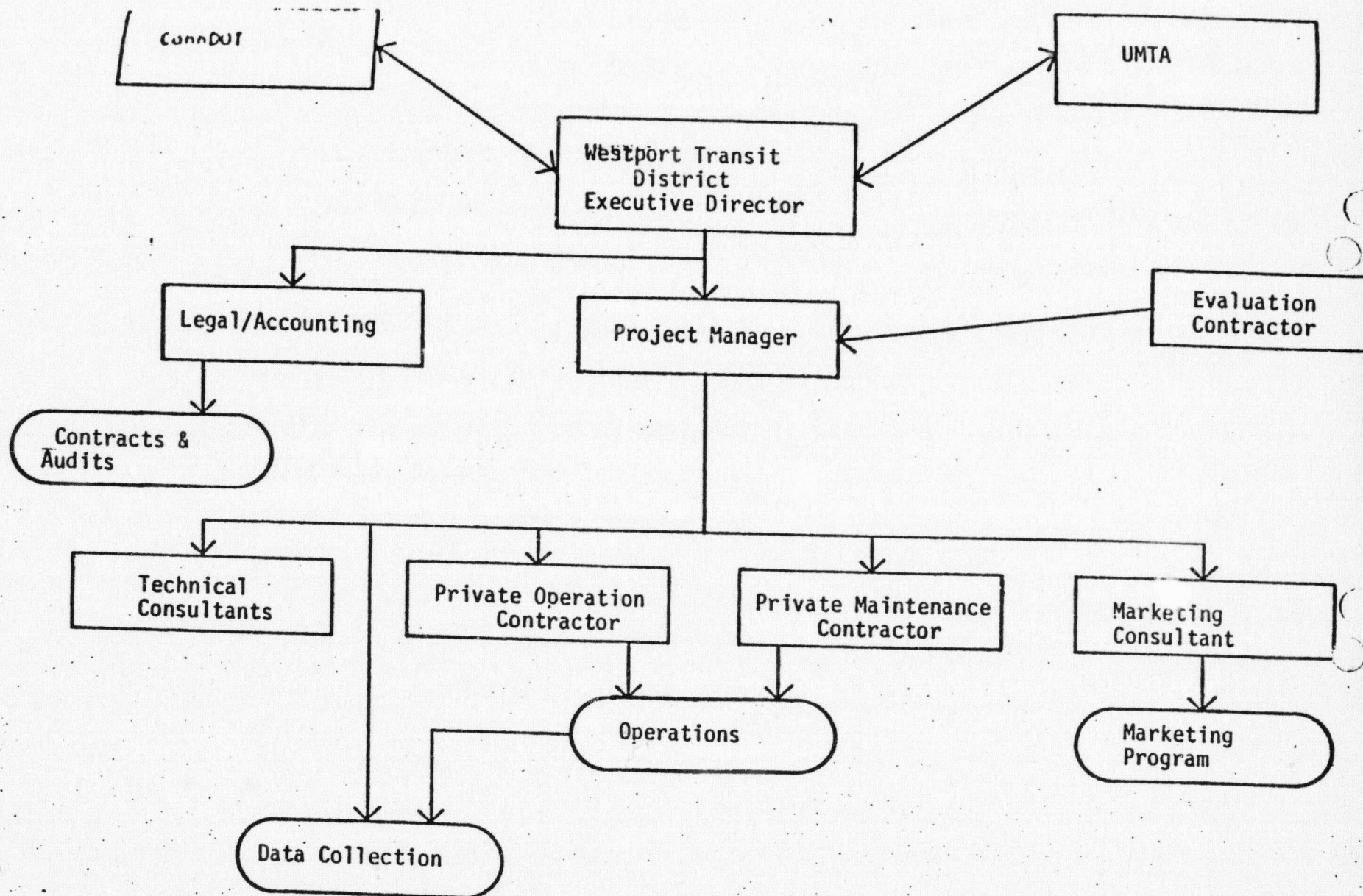
The marketing program will rely largely on a combination of direct mail promotion, local newspaper advertising, in-vehicle advertising, and information displays located at the two central transfer points (i.e., Saugatuck Station and Jessup Green).

1
Data collection, reporting, and analysis are discussed in detail
in Exhibit D of this application.

H-88

B-33

B-34



A-89

TABLE 12
SUMMARY OF DEMONSTRATION ADMINISTRATION COSTS
(FY 76-77 DOLLARS)

	<u>FY 76-77</u>	<u>FY 77-78</u>	<u>FY 78-79</u>
Project Management			
Project Manager (full time)	\$20,400 ¹	\$20,400	0
Exec. Director WTD (1/4 time)	5,000	5,000	\$ 5,000
Secretary (1/2 time)	6,000 ¹	6,000 ¹	0
Materials and Supplies	2,000	2,000	0
Consultant Services	10,000	2,500	0
Legal and Accounting			
Legal Fees	12,000	3,000	2,500
Accounting Fees	3,000	3,000	2,500
Marketing and Promotion	23,000	15,000	7,500
Data Collection	<u>15,000</u>	<u>15,000</u>	<u>0</u>
TOTAL COST (EXCLUDING INFLATION AND CONTINGENCIES)	\$96,400	\$71,900	\$17,500
Inflation Factor	<u>1.00</u>	<u>1.08</u>	<u>1.1664</u>
TOTAL (EXCLUDING CONTINGENCIES)	\$96,400	\$77,652	\$29,120
Travel	<u>2,500</u>	<u>2,500</u>	
NEW TOTAL	\$98,900	\$80,152	

¹Includes 20% benefits.

6.0 CAPITAL ACQUISITION PROGRAM

4-91

The Demonstration Project will be executed using the existing vehicle equipment already owned by the WTD, new equipment which is expected in early spring as a result of a Capital Grant currently pending, and new equipment to be purchased directly under the Demonstration Program. Table 13 summarizes the total vehicle fleet which will be available during the Demonstration Project time period.

The Demonstration Service Plan (Section 2.0) will require that thirteen new 11 or 12 passenger van-type vehicles be purchased for use in the Demonstration. Van vehicles, it is believed, are the only currently available equipment with sufficient capacity and maneuverability to function as both conventional fixed route transit vehicles and as a taxi. A raised roof van is required because of the conventional transit utilization of the vehicle, and the implications of fare collection for that use on vehicle design.

A single fleet of uniform vehicles to be used for all contract services will allow the rotation of vehicles between services. It will allow the execution of a regular comprehensive preventive maintenance and servicing program, since all vehicles will not be in service for an entire day. Twelve vehicles will need to be available to meet the proposed service plan (see Table 14). Thirteen vehicles are requested under this Demonstration Grant Application; (to provide two back-up vans and a third back-up and service van when combined with the vehicles anticipated under the pending UMTA Capital Grant).

In addition to vehicles, capital assistance within the framework of the Demonstration is also requested to purchase fareboxes and radios for thirteen vehicles, a Con-Mode telephone response system, a transfer station shelter for Weston Center, two system information stands, and miscellaneous anticipated control room set up costs (see Table 15).

TABLE 13
SUMMARY OF EQUIPMENT OWNED OR PLANNED FOR ACQUISITION BY
WESTPORT TRANSIT DISTRICT

	<u>No. of Vehicles</u>	<u>Type of Vehicle</u>	<u>Seat Capacity</u>
A. Currently Owned Vehicles	8		
	2	Mercedes-Benz	16
		Twin Coach	32
B. Vehicles Pending through Capital Grant	3		
	2	Small Transit Coach	16
	1	Medium Transit Coach	32
	1	Raised Roof Van	12
	1	Raised Roof Van w/lift & wheelchair tiedown	7
C. Vehicles to be Purchased through Demonstration Grant	13		
		Raised Roof Van	11/12

Vehicle Number	Hours of Service	Days	Weeks	Type of Service	Annual Service Hours				
					SR	SS	FRS	WF	W
1	6AM-1AM	7	52	Shared Ride/Premium Ride Taxi	6916				
2	6AM-1AM	7	52	Shared Ride/Premium Ride Taxi	6916				
3	6:30AM- 12 PM	7	52	Shared Ride/Premium Ride Taxi	6370				
4	7AM-12PM	5	52	Shared Ride/Premium Ride Taxi	4420				
	7AM-1AM	2	52	Shared Ride/Premium Ride Taxi	1872				
5	7:30-9 AM	5	52	Fixed Route Supplement (CRA)					
	9AM-5PM	6	52	Special Services			390		
	5PM-7PM	5	52	Fixed Route Supplement (CBD1)		2496			
	7PM-1AM	2	52	Shared Ride Taxi			520		
6	7:30AM-9AM	5	52	Fixed Route Supplement (CRB)	624				
	5PM-7PM	5	52	Fixed Route Supplement (CBD2)			390		
	7PM-1AM	2	52	Shared Ride Taxi			520		
7	7:30-9AM	5	52	Fixed Route Supplement (CRC)	624				
	5PM-7PM	5	52	Fixed Route Supplement (CBD3)			390		
8	7:30-9AM	5	52	Fixed Route Supplement (CRD)			520		
	5PM-7PM	5	52	Fixed Route Supplement (CBD4)			390		
9	7:30-9AM	5	52	Fixed Route Supplement (CRE)			520		
	2PM-8PM	5	39	Weston Feeder (Weekday)			390		
	9AM-8PM	5	13	Weston Feeder (Summer Weekday)				1170	
	9AM-5PM	1	52	Weston Feeder (Saturday)				715	
10	(Same as Vehicle 9)			Fixed Route Supplement (CRF)			416		
				Weston Feeder		390			
				Weston Feeder			1170		
				Weston Feeder			715		
				Weston Feeder			416		

B-38

H-73

VICTORY, UTILIZATION (continued)

Vehicle Number	Hours of Service	Days	Weeks	Type of Service	Annual Service Hours				
					SR	SS	FRS	WF	WID
11	(Same as Vehicle 9)			Fixed Route Supplement (CR6)					
				Weston Feeder			390		
				Weston Feeder				1170	
				Weston Feeder				715	
12	6AM-9AM	5	52	Fixed Route Supplement (CRH) *				416	
	2PM-8PM	5	39	Weston Feeder					780
	9AM-8PM	5	13	Weston Feeder					1170
	9AM-5PM	5	52	Weston Feeder					715
A	6AM-8PM	5	52	Weston Feeder					416
	9AM-5PM	1	52	Weston Connector					
B	5PM-7PM	5	52	Weston Connector					3640
C	5PM-7PM	5	52	CBD Supplement (CBD1)					416
D	5PM-7PM	5	52	CBD Supplement (CBD2)					520
E	5PM-7PM	5	52	CBD Supplement (CBD3)					520
				CR Supplement (CRH) *					520
				Shared Ride/Premium Ride Taxi	27,742				520
				Special Services		2,496			
				Fixed Route Supplement			4,810		
				Weston Feeder				9,204	
				WID Fixed Route Service					6,316
TOTAL SERVICE HOURS:									

KEY: CBD(1) = CBD-oriented route #1
CR (A) = Commuter Route

KEY: CBD(1) = CBD-oriented route
#1

CR (A) = Commuter Route A

* New route serving Saugatuck Shores

EXHIBIT C
BUDGET

C-1

Budget and Narrative Explanations Supporting Each Cost Item

A-96

The first part of this exhibit provides a narrative explanation explaining each cost item referred to in Section B of Part 3 (Budget Information) included in the "application for Federal assistance," which is presented in the front of this entire application package. The second part of this section is a summary of costs and revenue projections which are presented and explained in Exhibit B.

Explanation of budget categories -

a. Personnel - \$91,139 (Previous projection \$112,140)

The change is a result of first subtracting the Personnel cost for operating a fixed-route connector between Westport and Weston. The total cost for this service was \$85,613 (Year #1 2,580 x \$13.65 = \$35,217 and Year #2 3,440 hours x \$14.65/hr = \$50,396). Approximately 40% of this is driver cost or \$34,245. However, because vans will not be purchased for use in Weston, Transit District buses will have to be used on three commuter routes in the a.m. amounting to 390 hours/year/route or a total of 1,170 annual hours. This figure when multiplied by \$13.65, which is estimated cost per hour in Year #1 and \$14.65 for Year #2, equals \$33,110, of which 40% is \$13,244. So although \$34,245 is subtracted from Personnel, \$13,244 is added leaving a difference of \$21,001. (See Table #14 for projection of hours.)

b. Fringe Benefits - \$22,785 (Previous projection \$28,035)

Fringe Benefits are calculated as 25% of Personnel. The new total for Fringe Benefits represents 25% of the reduced amount for Personnel.

Travel - \$5,000 (Remains the same)

Equipment - \$196,200 (Previous projection \$236,200)

The change is the result of deciding not to purchase two vans at \$14,000 totalling \$28,000, the transfer station bus shelter at \$8,000, two radios at \$1250 totalling \$2,500, and \$1500 less for contingencies for a total of \$40,000 less.

The difference is a result of first subtracting 69% of the cost for the Weston connector, \$51,368 (60% of \$85,613) and then adding 60% of the cost to add three more morning commuter runs (60% of \$33,110). Beyond this, those costs included for WTD under Weston Feeder services which were for supplies amount to \$28,443 (\$11,409 + \$17,034. See C-11) were also subtracted. The total subtracted amounts to \$59,945.

f. Contractual - \$645,032 (Previous projection \$655,896)

There are a number of changes in this category. First of all, the contracted services for the Weston Feeder were subtracted (29,403 + 6,750 + 44,731 + 9,720) totalling \$90,604. Secondly, funds were added which would be paid to individuals who would be employed as occasional providers of service. In this case there would be two groups, commuters and non-commuters. For the commuters it was estimated that a provider would be paid \$2 a run. Assuming that an individual made two runs per day, the cost would be \$20 per week or \$1,040 per year. Under the demonstration an average of approximately 10 such providers would be used daily for 1½ years, totalling \$15,600 ($\$1,040 \times 10 = \$10,400 + \frac{1}{2} = \$15,600$). For the non-commuter provider costs were estimated at \$7 per hour (\$4 for labor and \$3 for use of their car). Assuming that an individual would drive for two hours per day, the cost would be \$70 per week or \$3,640 per year. During the demonstration, there would be an attempt to use 9 of these providers daily for 18 months for a total of \$49,140. The totals for both groups of providers would be \$64,740. Additionally, another \$15,000 would be added to the consultant category to help design the implementation of the occasional provider service.

Contingencies - \$63,856 (Previous projection \$85,814)

\$21,958 has been subtracted as a result of phasing out the Weston services.

Program Income - \$423,435 (Previous projection \$474,575)

The difference in revenue is the result of subtracting that which

A-78

would have been derived from Weston services amounting to \$76,140 (\$28,140 Year #1 + \$48,000 Year #2. See C-8) and adding \$25,000 which is projected to be derived from the occasional providers service.

C-4
Revised

1.0 SUMMARY OF GROSS COSTS

The Work Program identified specific project costs in FY 76-77, FY 77-78 and FY 78-79 dollars without consideration of contingencies. Table 16 summarizes these anticipated gross project costs and estimates anticipated project costs based on the following assumptions:

- (1) Inflation over the period of the Demonstration Project will average 8% per year.
- (2) Contingencies of 10% are appropriate for all anticipated costs exclusive of Demonstration Administration and Capital Costs.

TABLE 16

SUMMARY OF ESTIMATED DEMONSTRATION PROJECT GROSS COSTS

	<u>FY 76-77</u>	<u>FY 77-78</u>	<u>FY 78-79</u>
1. Non-Capital Demonstration Costs			
A. Operating Costs	230,307	302,874	329,219
B. Control Room Costs	44,158	58,715	63,412
C. System Management Fees	20,000	25,290	27,994
D. Demonstration Administration Costs	113,900	80,152	29,120
E. Contingencies	26,127	37,729	-
F. Special Contract Service	21,580	43,160	46,613
TOTAL:	456,072	547,920	496,358
Capital Demonstration Costs			
TOTAL:	196,200	-	-

A-101

2.0 ESTIMATION OF DEMONSTRATION PROJECT REVENUES

Revenues will be attributed to the Demonstration Project, as discussed in the Work Program, from the following sources:

- (1) Weston Pass Sales: All revenues generated from annual commuter and regular pass sales to Weston residents will be attributed to the Demonstration Project.
- (2) Westport Pass Sales Surcharge: A surcharge will be added to all Westport annual pass sales after July 1, 1976. The surcharges will be \$5 for regular passes and \$40 for commuter passes in the first year, rising to \$6 and \$40 in the second year. These surcharges will be attributed to the Demonstration Project.
- (3) Shared Ride/Premium Ride Taxi Revenues: All revenues collected by the shared ride/premium ride taxi system will be attributed to the Demonstration Project.
- (4) Miscellaneous Project Revenues: All farebox cash revenues collected by the van vehicles in supplementary fixed route service, goods movement or special markets service, or in Weston feeder service will be attributed to the Demonstration Project.

Table 17 summarizes the projected revenues which will be realized and attributable to the Demonstration Project accounts.

SUMMARY OF PROJECT REVENUES

A-102

	<u>FY 76-77</u>	<u>FY 77-78</u>	<u>FY 78-79</u>
<u>Revenues Occasional Provider Service</u>			
(1) <u>Year 1</u>	8,500		
(2) <u>Year 2</u>		26,500	
(3) <u>Year 3</u>			25,000
<u>Pass Sales: Westport Surcharges</u>			
(1) <u>Year 1</u>			
5000 CBD passes @ \$5	18,750		
450 commuter passes @ \$40 (pro-rated for 9 mos.)	13,500		
(2) <u>Year 2</u>			
5000 CBD passes @ \$6		30,000	
450 commuter passes @ \$40		18,000	
(3) <u>Year 3</u>			
5000 CBD passes @ \$7			35,000
450 commuter passes @ \$45			20,250
<u>Shared-Ride Taxi Revenues</u>			
(1) <u>Year 1</u>			
Months 3-6: 200 @ \$2	45,560		
Months 7-12: 225 @ \$2	82,125		
(2) <u>Year 2</u>			
Months 13-24: 250 @ \$2		182,500	
(3) <u>Year 3</u>			
Months 25-36: 300 @ \$2.25			246,375
<u>Miscellaneous Revenues</u>	<u>3,000</u>	<u>7,916</u>	<u>7,000</u>
	171,435	264,916	333,625

C-8
Revised

3.0 SUMMARY OF NET PROJECT COSTS

Sections 1.0 and 2.0 summarize gross project costs and revenues. Table 18 summarizes Net Project Costs, and attributes these net costs to three sources of funding:

- (1) The Urban Mass Transportation Administration (UMTA)
- (2) The Connecticut Department of Transportation (ConnDOT)
- (3) The Westport Transit District (WTD)

Non-capital net costs will be distributed on the following matching basis:

UMTA	65%
ConnDOT	25%
WTD	10%

Capital costs will be distributed:

UMTA	80%
ConnDOT	20%

TABLE 18
ESTIMATE AND DISTRIBUTION OF NET PROJECT COSTS

	<u>FY 76-77</u>	<u>FY 77-78</u>	<u>FY 78-79</u>
I. <u>Non-Capital Elements</u>			
Costs	456,072	547,920	496,358
Revenues	<u>171,435</u>	<u>264,916</u>	<u>333,625</u>
Net Costs:	284,637	283,004	162,733
DISTRIBUTION OF NON-CAPITAL COSTS:			
UMTA (80%)	226,637	226,403	
ConnDOT)	50,000	48,601	
WTD) (20%)	8,000	8,000	
II. <u>Capital Elements</u>			
Costs	196,200	-	-
Revenues	<u>-</u>	-	-
Net Costs:	196,200	-	-
DISTRIBUTION OF CAPITAL COSTS:			
UMTA (80%)	156,960		
ConnDOT (20%)	<u>39,240</u>		
	196,200		
<u>Total Costs: All Elements</u>			
UMTA	383,597	226,403	
ConnDOT ¹	89,240	48,601	

¹ anticipated that a large percentage of this contribution would be transferred from existing commitments.

BREAKDOWN OF ESTIMATED OPERATING COSTS BY SUBCONTRACTOR
(FY 76-77 DOLLARS)

	FY 76-77			FY 77-78		
	<u>Private</u> <u>Operator</u>	<u>Private</u> <u>Maintenance</u>	<u>WTD</u>	<u>Private</u> <u>Operator</u>	<u>Private</u> <u>Maintenance</u>	<u>WTD</u>
A. Supplementary Fixed-Route Service	17,483	6,750	8,119	21,645	9,000	10,763
B. WTD Fixed-Route Services	-	-	43,202	-	-	50,494
C. Shared-Ride/Premium- Ride Taxi	100,850	6,750	29,505	124,839	9,000	36,905
D. Special Services	<u>11,232</u>	<u>2,250</u>	<u>4,166</u>	<u>11,232</u>	<u>2,250</u>	<u>4,166</u>
TOTALS:	129,565	15,750	84,992	157,716	20,250	102,328
Inflation Factor:	<u>1.00</u>	<u>1.00</u>	<u>1.00</u>	<u>1.08</u>	<u>1.08</u>	<u>1.08</u>
TOTALS:	129,565	15,750	84,992	170,333	21,870	110,514
Yearly Totals:			230,307			302,717

C-11

A-105

TABLE 15
COST ESTIMATES: CAPITAL EQUIPMENT TO BE
PURCHASED UNDER DEMONSTRATION

	<u>FY 76-77</u>	<u>FY 77-78</u>	<u>FY 78-79</u>
Vehicles: 13 raised roof vans @ \$14,000	\$182,000	-	-
Radios: 13@ \$1250	16,250	-	-
Fareboxes: 13@ \$250	3,250	-	-
Telephone Response System: 1@ \$10,500	10,500	-	-
System Information Stands: 2@ \$500	1,000	-	-
Transfer Station Bus Shelter: 1@ \$8,000	8,000	-	-
Misc. Control Room Equipment	2,000	-	-
TOTAL:	\$223,000	-	-
Contingencies			
5% Buses	9,100		
10% Other	4,100		
GRAND TOTAL	\$236,200		

EXHIBIT D
PROJECT AREA

D-1

2. Project Area

1. Area Characteristics - The following represent two independent descriptions of the communities involved in the study of Westport and Weston.

Principal Characteristics of Westport - The Town of Westport encompasses an area of 20 square miles in southwestern Connecticut, with approximately eight miles of shoreline fronting on Long Island Sound. It is located in Fairfield County, and lies within the northeast corridor between New York City and Boston. Westport is served by three east-west interregional highways, namely, U. S. Route 1, the Merritt Parkway, and the Connecticut Turnpike; Route 33 and Route 57 serve as main north-south highways.

Population, Housing, Income and Employment - Westport's population, from the 1970 census data, is approximately 27,400. This population is housed in 8,485 housing units, resulting in an average of 3.22 persons per housing unit.

There were 17,511 motor vehicles registered in Westport in 1970. Thus, there were about 2.2 vehicles per housing unit.

The average annual income per household in Westport after payment of Federal income tax, in 1969 was \$21,380. This compares with an average for Connecticut of \$12,074.

Employment data from the Connecticut Labor Department for June, 1969, shows a total of 7,500 persons employed in Westport, with only 560 of these employed in manufacturing. Also, about 1,800 Westport residents commute to work via the New Haven Division of the Penn Central Railroad.

The preceding data portrays Westport as a medium-sized community inhabited by families with incomes sufficient for good housing and a high rate of car ownership. The large number of persons commuting by railroad has a significant effect on the traffic pattern in Westport during the peak hours.

Because of the affluence of the community and its low density of residential development, the chief mode of vehicular transportation within Westport is that of the private automobile. For those persons without access to an automobile, there is a small taxi company and limited bus service operated by the Connecticut Railway and Lighting Company along the Boston Post Road. These buses operate hourly between Bridgeport and Norwalk, and the franchise allows pickups and discharge of passengers at points along the Post Road within Westport.

A-109

Land Use and Zoning - In terms of land use, Westport is predominantly residential in character. Most of the land zoned for residential use can be developed only for relatively large lots, one-half acre to two acres in size. A few small pockets of zoning allowing lots of 6,000 square feet exist because of older development, but are insignificant in relation to the total town area.

Business zoning and land use is restricted largely to a narrow strip on both sides of U. S. Route 1 completely through the town and an area for the central business district located where Route 1 crosses the Saugatuck River. There is a secondary business district just north of the Saugatuck Railroad Station. The zoning regulations allow Design Development Districts to be established by special permit for commercial and industrial development in areas now zoned residential. Very little development has actually taken place under this regulation.

Future Growth Trends - The only official population projection for Westport was that made by the Connecticut Office of State Planning in December, 1968. Their estimate of the 1980 population of Westport was 46,500 persons. Since that time, the results of the U. S. Census of 1970 have become available to form a more accurate base for projections.

A study of the census figures for the population in Westport since 1950 gives some direction for future projections. The population of 11,700 in 1950 grew to 21,000 in 1960, an 80-per-cent increase, which is equivalent to a 6-per-cent annual growth rate. The increase to 27,400 in 1970 was 30 per cent, or at an annual growth rate of 2.75 per cent. The slowing of the growth rate is not unusual for a community that has limited amount of land available for new development.

Because of the character of the town and its land development controls, Westport is not likely to grow at a rate faster than that maintained from 1960 to 1970. If this annual rate of 2.75 per cent is applied to the present population of 27,400, the 1980 population would be 35,000. Even if Westport's zoning regulations are revised to allow some low-rise apartment development, it is unlikely that the future rate of growth will exceed that of the past decade.

The data for taxable motor vehicles in Westport shows that the number of motor vehicles has been increasing at a faster rate than the population. From 1950 to 1960 the number of vehicles increased from 5,924 to 11,747, which was at an average annual rate of 7 per cent. From 1960 to 1970 the

increase was from 11,747 to 17,511, at an average annual rate of 4 per cent. If this annual rate is assumed for the decade 1970 to 1980, the number of registered vehicles in Westport in 1980 would approximate 25,900.

Principal Characteristics of Weston - The following description of Weston is taken from a 1969 Town Plan of Development. Since that time the population has increased to over 8,000 residents. Weston has a total area of 19.9 square miles.

THE PEOPLE OF WESTON

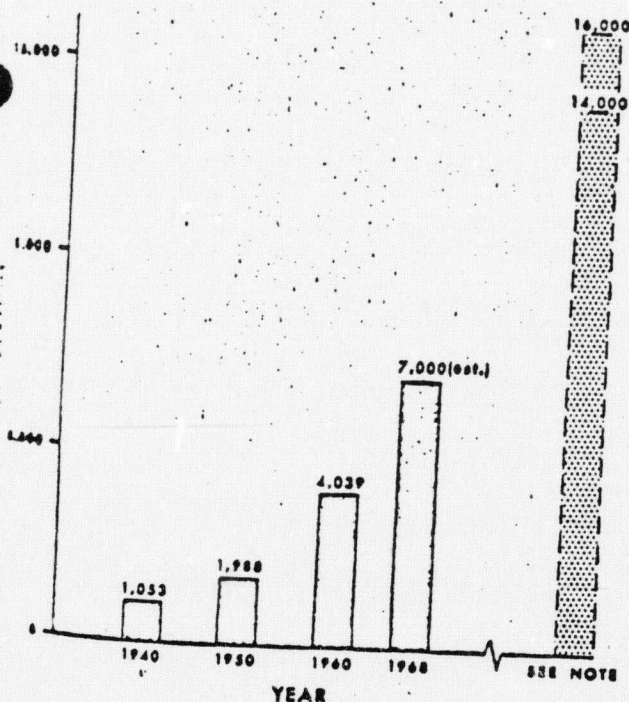
A-III

GROWTH PATTERNS

In sharp contrast to the population decline during the early part of this century, Weston has experienced a spectacular growth rate since the 1930's. During the 1940's and 1950's, Weston had the highest growth rates in the South Western Planning Region. From 1940 to 1950, the population of Weston increased 88 percent, compared to a 23.6 percent increase for the South Western Region. Between 1950 and 1960, the population of Weston more than doubled, increasing 104 percent, compared with a 38.1 percent increase for the Region.¹

Various estimates indicate that Weston's present population is in the vicinity of 7,000 persons. This represents about a 75% increase in the last eight years, or a growth rate which has remained at the very high level experienced between the end of World War II and 1960. Since this means a much greater absolute increase than in the two previous decades, Weston's growth in the 1960's has been nothing short of spectacular. Although it is inevitable

WESTON'S POPULATION GROWTH 1940 TO FULL DEVELOPMENT

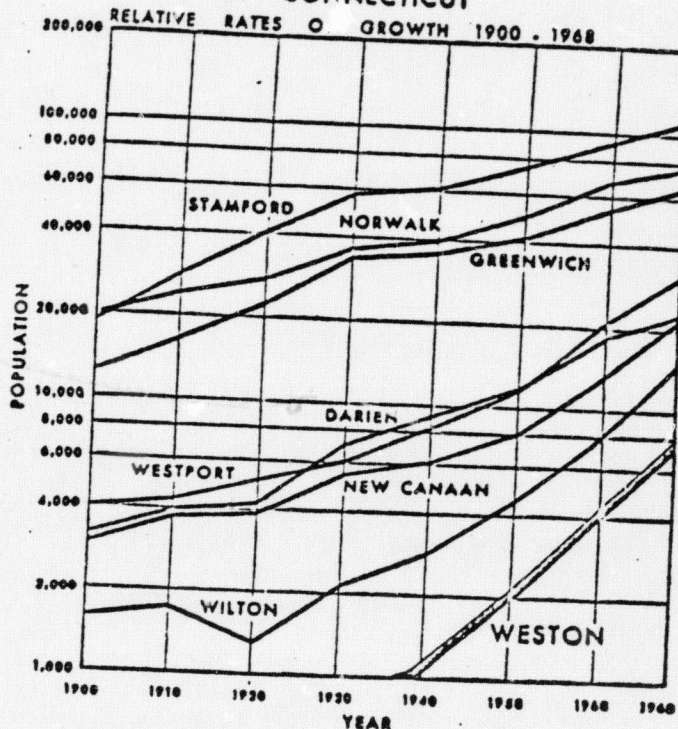


Assuming the present absolute growth rate (approximately 100 dwelling units per year), Weston will reach full development in about 20 years (by 1983). The present percentage growth rate (approximately 5% per year), however, would occur in about 15 years (by 1983).

SOURCE: U. S. CENSUS, WESTON TOWN CLERK (1968),
P. P. CLARK ASSOC. (PROJECTION).

D-5

POPULATION TRENDS SOUTH WESTERN PLANNING REGION STATE OF CONNECTICUT



SOURCE: U. S. CENSUS, S.W.P.R.A.

able that this rate will decrease, it is likely that the magnitude of the annual absolute increase will continue to rise for many years to come.

SOURCES OF GROWTH

In both the ten year intervals, 1940 to 1950 and 1950 to 1960, Weston experienced the greatest growth rate of all of the towns and cities comprising the South Western Planning Region.

Population growth in any given geographical area is due to either natural increase, that is, an excess of births over deaths, or to net in-migration, more people moving into the Town than those leaving it, or to both reasons.

Net in-migration has accounted for a larger proportion of the population increase in Weston than it has in any of the other municipalities comprising the South Western Planning Region. Net in-migration accounted for 89.4 percent of Weston's growth from 1940 to 1950, and 87.2 percent of the growth from 1950 to 1960. Net in-migration, however, accounted for only 59.6

1 - South Western Regional Planning Agency,
"Population, Technical Report #1," undated,
Page 16.

5

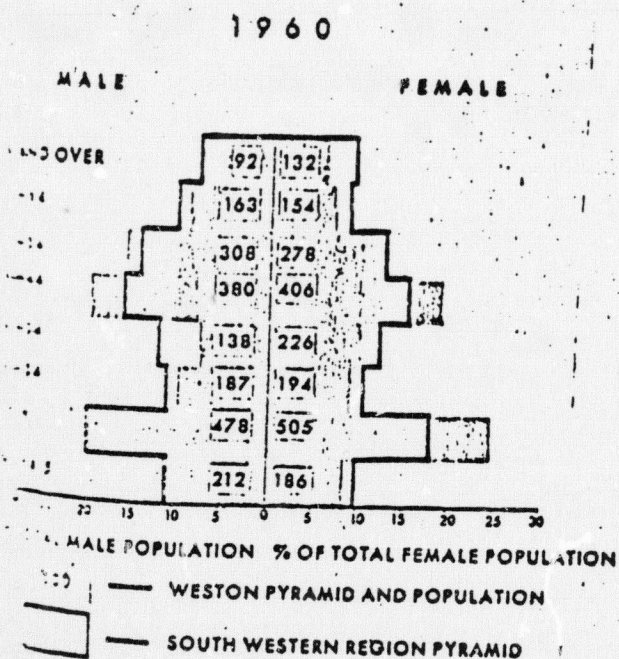
percent of the growth in the South Western Region from 1940 to 1950, and 50 percent of the growth between 1950 and 1960.⁴ In general, net migration has accounted for a larger proportion of recent population increase in the five smaller communities in the South Western Planning Region than in the three largest cities of Greenwich, Walk and Stamford.

Many of the persons who are moving to the Town evidently find Weston very attractive. The "small character" and the extremely low density of 1 person per square mile in 1960 have probably contributed much to the Town's popularity, and it is expected that past in-migration trends will continue in Weston as the New York Metropolitan Area increases in size.

POPULATION COMPOSITION

A comparison of the population distribution for Weston with that for the South Western Planning Region shows that the percentage of the Town's population in the 15 to 34 and in the 55 and over age groups is considerably less than the corresponding percentages for the South Western Region as a whole. The percentage of Weston's population in the 5 to 14 year school age group, however, is considerably more than the average for the South Western Region. Adults, ages 30 to 49, who are the parents of school age children and, to a lesser extent, the

COMPARATIVE AGE AND SEX PYRAMIDS WESTON AND SOUTH WESTERN REGION



Technical Report #1, South Western Regional Planning Agency
Weston, New York, 1960

45 to 54 year age group, also account for a larger share of the Weston population than do the same age groups for the South Western Region. These population characteristics are most probably a result of economic factors, such as 2 acre zoning and transportation costs, which make Weston less feasible a residential location for young married couples, but especially attractive to families which are stable in size and headed by a wage earner who is well established in his occupation.

To some extent, the general narrowness of the 30 to 39 age groups in both the Town and Regional population distributions may be attributed to the low birth rates during the 1930's. The trend toward increasing birth rates following the Second World War is reflected in the exceedingly broad base of the population pyramid provided by the 1 to 15 year age groups.

Evident in both population distributions, but more apparent in the Weston population, is a significant excess of females over males in the 25 to 34 year age group. To a large extent, this is the result of wives being younger than their husbands. Sleep-in domestic help might also account for some of the excess.

In 1960, 42, or slightly more than 1 percent, of the 4,039 residents in Weston were non-white. Of the 1,150 households in the Town, 3 are classified as being non-white in the 1960 U.S. Census of Population.

HOUSEHOLD SIZE

In 1960, Weston had a total of 1,150 resident households, with an average size of 3.51 persons, according to the U.S. Census. This compared with an average household size of 3.33 persons for the South Western Region, 3.29 persons for Fairfield County, and 3.27 persons for the State.

The long-term trend in household size has been downward since at least the turn of the century, although it is slowing down as it approaches an average of three persons. One of the most important reasons for this trend has been the increasing independence of older persons due to pensions, social security and life insurance. This leads older couples and widowed persons to maintain independent households as their children grow up, causing the average household size to decrease.

Trend data for Weston with respect to household size is not available on the U.S. Census. In the case of towns which are very similar to Weston and which have already experienced the growth patterns that the Town is now involved in, however,

2 - Ibid. Page 27.

household size in Weston follow a downward trend very similar to that exists nationally.

EMPLOYMENT CHARACTERISTICS

In a recent community survey, more than three-fourths of those employed residents who responded indicated their occupations as professional or technical, or considered themselves to be managers, proprietors, or executives. Slightly over ten percent of the respondents stated that they held sales or clerical positions, and four percent indicated that they were craftsmen or craftsmen. Only three percent of Weston's working residents gave their occupation as laborer or service worker, while another three percent stated that they were employed as private household workers.

Where do Westonites work? More than one-half, 53.8%, of all employed residents work in Fairfield County. The New York City-Long Island area is the place of employment of 38.2% of the working population of the Town. Other areas of Connecticut, outside of Fairfield County, and other areas of New York State, not including New York City and Long Island, are the working places, respectively for 3.7% and 3.3% of the employed population of Weston. Only 1.0% of the employed Weston people work in states other than Connecticut and New York.

An analysis of the detailed responses to the community survey shows that those who work in Stamford, Bridgeport, Westport, and other Fairfield County centers tend to be proportionately over-average in the "professional and technical" category. Residents who work in New York City are mostly in the "manager, proprietor, executive" category, although the proportion of "technical and professional" workers is only slightly below average for the Town's working residents. Residents who work in Weston itself are proportionately higher in the clerical, sales, craftsman, laborer, service and household worker category, although the largest single group (30.7%) of Weston workers was in the professional-technical category.

POPULATION DENSITY

In 1960, Connecticut was the fourth most populated state in the United States, with a population density of 518 persons per square mile. At the same time, the South Western Planning Region had an overall population density of 1,337 persons per square mile.³ Weston, the outermost town within the South

of only 202 persons per square mile, less than two-thirds of its immediate neighbor, Wilton, the next least densely settled town in the Region. Norwalk, at the same time, had the highest population density in the South Western Region, which was more than fifteen times the density of Weston.⁴ Expressed in other terms, Weston accounts for 9.7 percent of the land area of the South Western Region, but only 1.4 percent of its population.

POTENTIAL POPULATION UNDER EXISTING ZONING

An estimate of the total possible population of Weston at full development is largely a function of the zoning and development standards which will control future growth. Using a map of the Town which shows existing land use as of the end of 1967, a study was made of the maximum number of new homes that could be built on all open land available and suitable for residential development, with lots and streets meeting all current zoning and subdivision regulation requirements.

As a result of this study, it was found that there is a potential for about 2,500 additional homes within the Town. (For a detailed discussion of the method and findings, see the "Residential Development" section of this report.) If the average family size of 3.5 persons in 1960 were to continue and each house were to be occupied by only one family, these additional homes could increase the Town's population by 8,750. There are now at least 150 homes occupied only during the summer. As time passes, many of these will change to year-round occupancy. If it were assumed that almost all of these will become so occupied, the additional population would be about 500. Added to the 1967 estimated population of 6,500, the ultimate total for Weston could be about 16,000 persons.

However, there is one important complication in estimating future population growth in Weston, and that is the zoning regulation permitting two families to live in each house. No known method of estimating the likely amount of the above type of development being available, this aspect of the Town's potential population growth must be considered an open-ended matter. If it were assumed that one-quarter of the Town's total potential number of houses were to be occupied by two households with an average of two or more persons

3 - Ibid. Page 24.

4 - Ibid. Page 24.

...ment, the Town's total population could be greater than 18,000.

Another factor affecting Weston's population full development will be the policies adopted and actions taken by the Town to acquire or otherwise set aside areas as permanent open space. Inclusion of developable lands in this category, of course, reduce the total number of possible homes. In addition, land set aside for the expansion of schools and other public and semi-public facilities will further reduce this figure.

Considering together the potential for future development, the effects of permitting two stories in each house and the reservation of some developable land as open space, it is extremely difficult to project with any accuracy what the town's population will be when it is fully developed. The total could range anywhere from 100 to 18,000 people. The exact figure will depend on what action is taken by the town to implement the policies and recommendations included in the "Plan of Development" provisions of this Town Plan. Based on the assumption that these recommendations will be substantially implemented, it is likely that Weston will have a population of 15,000 at full development.

FUTURE GROWTH PROSPECTS

As mentioned previously, Weston is part of the "Immediate Ring," as defined by the Regional Association, of the New York Metropolitan Area. This ring has experienced the greatest

annual growth rate in the Region since 1950, and it is expected to maintain its position for several years into the future. The pressures for growth in the South Western Planning Region, and in Weston, will, therefore, be considerable.

If it is assumed that Weston's current annual building rate of about 100 houses were to continue, the Town could reach its maximum development in about twenty-five years. However, many of the towns and cities in the surrounding area are getting nearer and nearer to their maximum potential population. Unless there are radical shifts in the planning and zoning policies of these towns and cities, the more undeveloped towns (those just to the north of the shoreline municipalities) will have to take a steadily increasing share of the growth as the years go by. This portends an even more rapid future population growth for Weston.

The question concerning Weston, therefore, is not if it will continue to grow until it reaches full development, but how much development there will be, when such development will occur, and what form it will take. It is not necessary for present town planning purposes, however, that ultimate population projections be precise in amount or time. It suffices to know that such growth is a reasonable expectation in the not too distant future, and is a reasonable basis upon which to plan. It should be noted, however, that future changes in the Town's zoning would have an effect on future population growth, and this aspect of Town development should be checked periodically.



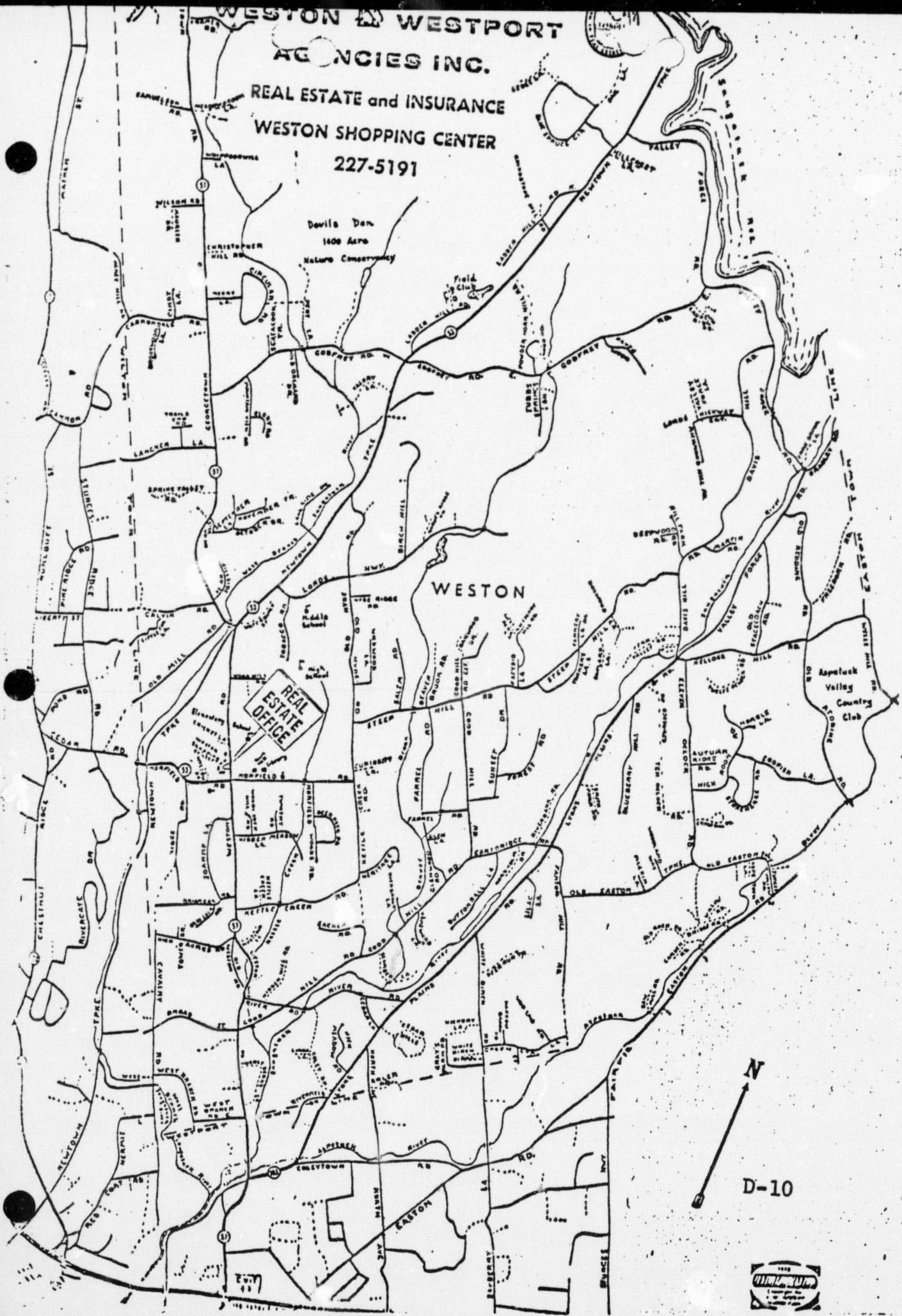
WESTON & WESTPORT

AGENCIES INC.

REAL ESTATE and INSURANCE

WESTON SHOPPING CENTER

227-5191



D-10



3. Planning Considerations - As was mentioned before, the South Western Regional Planning Agency, which covers the area of Connecticut from Greenwich through Westport-Weston, is about to sign a consultant contract to undertake a regional study of transportation needs. Listed in Appendix is the Request for Proposal which was submitted to the consultants and describes the scope of work to be done under the contract. It is estimated that the study will take between Six and nine months to complete.

4. Concurrences

137 Rowayton Avenue

Rowayton, Connecticut 06853

December 17, 1974

PRELIMINARY DRAFT

REQUEST FOR PROPOSAL

SOUTH WESTERN REGION MASS TRANSIT STUDY

The South Western Regional Planning Agency has entered into an agreement with the Tri-State Regional Planning Commission to undertake a continuing Comprehensive Transportation Planning Program for the South Western Region. The funds for this program come from both the Urban Mass Transit Administration and the Federal Highway Administration at the Federal level and the Connecticut Department of Transportation at the State level. The local share is provided by this Agency, which is, in turn, supported by its seven member municipalities: Darien, Greenwich, New Canaan, Norwalk, Stamford, Weston, and Westport.

A major part of this year's program is a special project, the South Western Region Mass Transit Study. This request for proposal has been prepared for the purpose of sending out requests to consulting firms for proposals for the scope of services to be performed in undertaking this technical study.

The money available for the study totals \$25,000.

The South Western Regional Mass Transit Technical Coordination Committee, which is being established for the Agency's mass transportation program, will provide for technical coordination between the Agency staff, local government and the consultant. The contract period for the study will be five months. The official composition and role of this technical coordinating Committee is described below under Conduct of Study.

All proposals should include an outline of the scope of services to be performed and completed contract proposal as presented in the attached "Guidelines for Contract Negotiations."

What we expect from the consultant we choose is described in three parts: Scope of Work, Conduct of Study, and Results.

SCOPE OF WORK

Objective The objective of this study is to develop a short range (five year) transit development program for the South Western Region.

Scope of Work Using an inventory of existing public transit service including local bus and mini-bus operators, taxi cab companies, demand response systems, and school bus service, which inventory shall have been prepared by the regional staff, with the assistance of the municipalities, and using recently prepared transit feasibility studies in Norwalk, Stamford and Westport, the consultant shall:

1. Determine the needs for a system of public transit in the South Western Region, with special emphasis on the needs for the transit - dependent segments of the population, such as the young, the elderly, the handicapped, and the economically disadvantaged.
2. Evaluate the adequacy of existing transit service in fulfilling these needs and assess the performance of the present transit system.
3. Formulate alternative recommendations for the transit system including specific routes, scheduling, fares, transfer points, equipment, facilities including garage and maintenance facilities, management, operations, and alternatives to the traditional local bus service.
4. Evaluate the proposed system on a route basis in terms of estimated patronage and fulfillment of identified transit needs, revenues, and operating costs.
5. Formulate alternative management options concerning policy and cost sharing.
6. Determine overall improvement costs and identify funding sources.
7. Establish priorities for the implementation of transit proposals.
8. Coordinate work with South Western regional transportation program, participating municipalities and state transit management district activities.

AREAS OF SPECIAL EMPHASIS

It is desired that a regional system be identified that satisfies intermunicipal and interregional transit needs including:

1. Center to center service
2. Service to regional facilities
3. Service to major employment areas
4. Service complementing and coordinating with rail service, (both commuter and intercity).

It is desired that recommendations for intra-town systems be identified in the following municipalities after coordination and consultation with local officials in each town of Darien, Greenwich and New Canaan.

CONDUCT OF STUDY

Composition and role of technical coordinating committee The composition of the technical coordinating committee shall be:

- a) The officially appointed representative of each Chief Elected Official in the region of those municipalities that decide to participate.
- b) A representative of the regional planning agency (sponsor)
- c) A representative of the Tri-State Regional Planning Commission
- d) A representative of the Connecticut Department of Transportation

The committee will provide for technical coordination between the Agency staff, Local Government, and the consultant.

Additional persons, representing existing transit districts, areawide agency on aging and other specific groups, who in the opinion of the technical coordinating committee should be consulted.

Final decisions on contract and policy matters pertaining to the study will be made by the South Western Regional Planning Agency after recommendation by the officially appointed technical coordinating committee.

Coordination and Consultation

The consultant will coordinate with, and consult with local, regional, and State officials as specified by the Committee at frequent intervals throughout the study.

Priority of Services

The needs of the seven member municipalities will have priority, since the very existence of the Agency is based on their annual voluntary financial contributions.

RESULTS OF STUDY

Conformance with UMTA Requirements

It is desired that the results of this study be such as to provide UMTA officials with a fully adequate basis upon which to make judgments concerning any subsequent capital grant application or applications.

Separability for Local Use

It is desired that the format of the report be such that portions may be separated to facilitate individual use by participating towns.

Basis for Capital Grant Applications

It is desired that this study be fully sufficient to form the basis for local, intertown, or state capital grant applications.

- 1) Information on taxis.
 - Fare
 - Average number of daily riders
 - Number of vehicles
 - Areas most frequently serviced
- 2) Information on bus service.
- 3) School Statistics.
- 4) Up-to-date traffic counts.
- 5) Parking Information.
 - Number of spaces and type of parking (i.e. commuter, on-street, off-street;
 - Plans for Expansion of parking and costs
 - Number of cars using parking facilities in Central Business District and duration.
- 6) Information on travel times on main roads.
- 7) New business construction planned or proposed.
- 8) List of traffic generators.
- 9) Local programs for the elderly.
- 10) Local medical facilities, travel demands generated by them, and modes presently used.
- 11) Generalized description of bus service needed in the community for the following:
 - Elderly
 - Disadvantaged
 - Handicapped
 - Commuters
 - School Children
 - Shoppers
 - Domestic
 - Inter-town (which towns?)

EXHIBIT E
LABOR

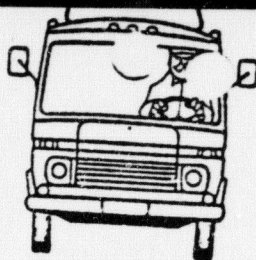
E-1

Included in this exhibit is a 13c agreement which was filed as part of the first capital grant application submitted by the Westport Transit District to UMTA on October 26, 1973. It is a general agreement signed with no specific organization in the area, which states the intent of the District assuring that it would in no way adversely affect employees in the mass passenger transportation industry within the service area of the project. Both the application and the agreement were approved by UMTA. The original application was approved by UMTA (Project No. CT-03-0003) on April 22, 1974.

This same agreement was submitted as part of an amendment to the original application which the Transit District expects to be approved shortly. It was submitted as part of a Section 5 application submitted by the Connecticut Department of Transportation on behalf of the Westport Transit District for subsidy assistance during fiscal year 1975. This application was approved. The same agreement has been included in the application which the State is presently preparing for Section 5 funds for fiscal year 1976.

minnybus

WESTPORT TRANSIT DISTRICT



A-124
311 East State Street
Westport, Conn. 06880
Information 226-7171
Office 226-0422

January 26, 1976

The Public Body (Westport Transit District) agrees that the following terms and conditions shall apply for the protection of employees in the mass passenger transportation industry in the service area of the project:

The Project shall be carried out in such a manner and upon such terms and conditions as will not in any way adversely affect employees in the mass passenger transportation industry within the service area of the Project.

All rights, privileges and benefits (including pension rights and benefits) of employees (including employees already retired) shall be preserved and continued.

No employee shall be laid off or otherwise deprived of employment or placed in a worse position with respect to compensation, hours, working conditions, fringe benefits, or rights and privileges pertaining thereto at any time during his employment as a result of the Project, including any program of efficiencies or economies directly or indirectly related thereto. An employee shall not be regarded as deprived of employment or placed in a worse position with respect to compensation, etc., in case of his resignation, death, retirement, dismissal for cause, or failure to work due to disability or discipline.

The Public Body shall be financially responsible for any such deprivation of employment or other worsening of employment position as a result of the Project.

In the event an employee is terminated or laid off as a result of the Project, he shall be granted priority of employment or reemployment to fill any vacant position for which he is, or by training or retraining can become, qualified. In the event training or retraining is required by such employment or reemployment, the Public Body shall provide or provide for such training or retraining at no cost to the employee, and such employee shall be paid, while training or retraining, the salary or hourly rate of his former job classification or that of the classification for which he is training, whichever is higher.

The rights, privileges and benefits contained in the provisions of the Order of the Interstate Commerce Commission in Finance Docket

January 16, 1952, will apply to any employee of the System whose position with respect to his employment is worsened as a result of the Project. The phrase 'as a result of the Project' as used herein shall include events occurring in anticipation of, during, and subsequent to the Project. A-125

These conditions shall be subject to the legal limitations, if any, of the Public Body. In the event any provision of these conditions is held to be invalid or otherwise unenforceable, the Public Body, the employees and/or their representatives may invoke the jurisdiction of the Secretary of Labor to determine substitute fair and equitable employee protective arrangements which shall be incorporated in these conditions.

The Public Body agrees that any controversy respecting the Project's effects upon employees, the interpretation or application of these conditions and the disposition of any claim arising thereunder may be submitted by the employees, or their representative, to the determination of the Secretary of Labor, whose decision shall be final.

The Public Body shall maintain and keep on file all relevant books and records in sufficient detail as to provide the basic information necessary to the making of such decisions.

The Public Body will post, in a prominent and accessible place, a notice stating that the Public Body is a recipient of Federal assistance under the Urban Mass Transportation Act and has agreed to comply with the provisions of Section 13(c) of the Act.

The notice shall also inform employees of their right to invoke the jurisdiction of the Secretary of Labor in accordance with Item 8 above.

Sincerely,

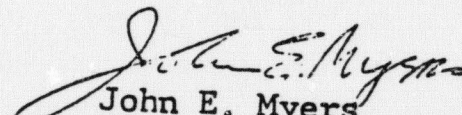

John E. Myers
Vice Chairman

EXHIBIT F
ASSURANCES

F-1

ASSURANCES FOR DEMONSTRATION AND SERVICE DEVELOPMENT PROJECTS

The applicant hereby assures and certifies that he will comply with the regulations, policies, guidelines, and requirements, including Office of Management and Budget Circular Nos. A-87, A-95, and A-102, as they relate to the applications, acceptance, and use of Federal funds for this Federally-assisted project. Also, the applicant gives assurance and certifies with respect to the grant that:

1. It possesses legal authority to apply for the grant and to finance and construct the proposed facilities, that a resolution, motion, or similar action has been duly adopted or passed as an official act of the applicant's governing body, authorizing the filing of the application, including all understandings and assurances contained therein, and directing and authorizing the person identified as the official representative of the applicant to act in connection with the application (Authorizing Resolution and Opinion of Counsel are attached).
2. It will comply with Title VI of the Civil Rights Act of 1964 (P. L. 83-352) and in accordance with Title VI of that Act. No person in the United States shall on the grounds of race, color, sex or national origin be excluded from participation in, be denied the benefits of, or be otherwise subjected to discrimination under any program or activity for which the applicant receives Federal financial assistance and will immediately take any measures necessary to effectuate this agreement. If any real property or structure thereon is provided or improved with the aid of Federal financial assistance extended to the Applicant, this assurance shall obligate the Applicant, or in case of any transfer of such property, any transferee for the period during which the real property or structure is used for a purpose for which the Federal financial assistance is extended or for another purpose involving the provision of similar services or for another purpose involving the provision of similar services or benefits (DOT Civil Rights Assurance is attached).
3. It will comply with Title VI of the Civil Rights Act of 1964 (42 USC 2000d) prohibiting employment discrimination where (1) the primary purpose of a grant is to provide employment, or (2) discriminatory employment practices will result in unequal treatment of persons who are or should be benefiting from the grant-aided activity.
4. It will comply with the provisions of Executive Order 11296, relating to evaluation of flood hazards; and Executive Order 11288, relating to the prevention, control, and abatement of water pollution. See Part IV, Exhibit o, of this Application).
5. It will have sufficient funds available to meet the non-Federal share of the cost for construction projects. Sufficient

funds will be available when construction is completed to assure effective operation and maintenance of the facility for the purposes constructed.

6. It will obtain approval by the appropriate Federal agency of the final working drawings and specifications before the project is advertised or placed on the market for bidding; that it will construct the project, or cause it to be constructed, to final completion in accordance with the Application and approved plans and specifications; that it will submit to the appropriate Federal agency for prior approval changes that alter the costs of the project, use of space, or functional layout; that it will not enter into a construction contract(s) for the project or undertake other activities until the conditions of the construction grant program(s) has been met.

7. It will provide and maintain competent and adequate architectural engineering supervision and inspection at the construction site to insure that the completed work conforms with the approved plans and specifications; that it will furnish progress reports and such other information as the Federal grantor agency may require.

8. It will operate and maintain the facility in accordance with the minimum standards as may be required or prescribed by the applicable Federal, State, and local agencies for the maintenance and operation of such facilities.

9. It will give the grantor agency and the Comptroller General, through any authorized representative, access to and the right to examine all records, books, papers, or documents related to the grant.

10. It will cause work on the project to be commenced within a reasonable time after receipt of notification from the approving Federal agency that funds have been approved and that the project will be prosecuted to completion with reasonable diligence.

11. It will not dispose of or encumber its title or other interests in the site and facilities during the period of Federal interest or while the Government holds bonds, whichever is longer.

12. It will establish safeguards to prohibit employees from using their positions for a purpose that is or gives the appearance of being motivated by a desire for private gain for themselves or others, particularly those with whom they have family, business, or other ties.

13. It will comply with the requirements of Title II and Title III of the Uniform Relocation Assistance and Real Property Acquisition Act of 1970 (P. L. 91-646) which provides for fair and equitable treatment of persons displaced as a result of Federal and Federally-assisted programs (Title II and Title III Assurances attached).

14. It will comply with all requirements imposed by the Federal grantor agency concerning special requirements of law, program requirements, and other administrative requirements approved in accordance with Office of Management and Budget Circular A-102.

15. It will comply with the provisions of the Hatch Act which limits the political activity of employees.

16. It will make the certification required by section 3(d) of the Urban Mass Transportation Act of 1964, as amended (Certification attached).

17. Applicant agrees not to engage in charter bus operations in competition with private bus operation outside of the area within which it provides regularly scheduled mass transportation service. Any violation of this agreement shall bar the Applicant from receiving any other Federal financial assistance under: (1) subsection (a) or (c) of 23 U.S.C. 142; (2) paragraph (4) of subsection (3) of 23 U.S.C. 103; or (3) the Urban Mass Transportation Act of 1964. (This assurance applies only to applications for Federal financial assistance for the purchase of buses.)

18. Applicant agrees not to engage in school bus operations, exclusively for the transportation of students and school personnel, in competition with private bus operators except in the following cases:

a. Applicant operates a school system in the area to be served and operates a separate and exclusive school bus program for this school system.

b. Private school bus operators are not able to provide adequate transportation at reasonable rates and in conformance with applicable safety standards.

c. Where a State or local public body or agency thereof (or a direct predecessor in interest from which it acquired the function of so transporting school children and personnel, along with facilities to be used therefor) was so engaged in school bus operations any time during the period from August 1972 to August 1973.

Violation of this agreement shall bar the Applicant from receiving any other Federal assistance under: (1) Subsection (a) of 23 U.S.C. 142; (2) paragraph (4) of subsection (e) of 23 U.S.C. 103; or (3) the Urban Mass Transportation Act of 1964. (This assurance applies only to applications for Federal financial assistance for the purchase of buses.)

A-130

ASSURANCE OF COMPLIANCE WITH
TITLE VI OF THE CIVIL RIGHTS ACT OF 1964
(DEPARTMENT OF TRANSPORTATION)

The Westport Transit District (hereinafter referred to as the "Recipient") HEREBY AGREES THAT as a condition to receiving any Federal financial assistance from the Department of Transportation it will comply with Title VI of the Civil Rights Act of 1964, 78 Stat. 252, 42 U.S.C. 2000d-42 U.S.C. 2000d-4 (hereinafter referred to as the Act) and all requirements imposed by or pursuant to Title 49, Code of Federal Regulations, Department of Transportation, Subtitle A, Office of the Secretary, Part 21, Nondiscrimination in Federally-Assisted Programs of the Department of Transportation - Effectuation of Title VI of the Civil Rights Act of 1964 (hereinafter referred to as the Regulations), and other pertinent directives to the end that in accordance with the Act, Regulations, and other pertinent directives, no person in the United States shall, on the grounds of race, color, sex or national origin be excluded from participation in, be denied the benefits of, or be otherwise subjected to discrimination under any program or activity for which the Recipient receives Federal financial assistance from the Department of Transportation, including the Urban Mass Transportation Administration (UMTA), and HEREBY GIVES ASSURANCE THAT it will promptly take any measures necessary to effectuate this agreement. This assurance is required by subsection 21.7(j)(1) of the Regulations.

More specifically and without limiting the above general assurance, the Recipient hereby gives the following specific assurances with respect to the project:

1. That the Recipient agrees that each "program" and each "facility" as defined in subsections 21.23(e) and 21.23(b) of the Regulations, will be (with regard to a "facility") operated in compliance with all requirements imposed by, or pursuant to, the Regulations.
2. That the Recipient shall insert the following notification in all solicitations for bids for work or material subject to the Regulations and made in connection with a project under the Urban Mass Transportation Act of 1964, as amended (the UMTA Act) and, in adapted form in all proposals for negotiated agreements:

The Recipient, in accordance with Title VI of the Civil Rights Act of 1964, 78 Stat. 252, 42 U.S.C. 2000d to 2000d-4 and Title 49, Code of Federal Regulations, Department of Transportation, Subtitle A, Office of the Secretary, Part 21, Nondiscrimination in Federally-Assisted Programs of the Department of Transportation issued pursuant to such Act, hereby notifies all bidders that it will affirmatively insure that in regard to any contract entered into pursuant to this advertisement, minority business enterprises will be afforded full opportunity to submit bids in response to this invitation and will not be discriminated against on the grounds of race, color, sex or national origin in consider-

- tion for an award.
3. That the Recipient shall insert the clauses of Appendix A of this assurance in every contract subject to the Act and the Regulations.
4. That the Recipient shall insert the clauses of Appendix B of this assurance, as a covenant running with the land, in any deed from the United States effecting a transfer of real property, structures, or improvements thereon, or interest therein.
5. That where the Recipient receives Federal financial assistance to construct a facility, or part of a facility, the assurance shall extend to the entire facility and facilities operated in connection therewith.
6. That where the Recipient receives Federal financial assistance in the form, or for the acquisition of real property or an interest in real property, the assurance shall extend to rights to space on, over, or under such property.
7. That where the Recipient receives Federal financial assistance to carry out a program of managerial training under section 10(a) of the Urban Mass Transportation Act of 1964, as amended, the assurance shall obligate the recipient to make selection of the trainee or fellow without regard to race, color, sex, or national origin.
8. That where the Recipient receives Federal financial assistance to carry out a program under the Urban Mass Transportation Act of 1964, as amended, the assurance shall obligate the recipient to assign transit operators and to furnish transit operators for charter purposes without regard to race, color, sex or national origin.
9. That where the Recipient receives Federal financial assistance to carry out a program under the Urban Mass Transportation Act of 1964, as amended, routing scheduling, quality of service, frequency of service, age and quality of vehicles assigned to routes, quality of stations serving different routes, and location of routes may not be determined on the basis of race, color, sex or national origin.
- That the Recipient shall include the appropriate clauses set forth in Appendix C of this assurance, as a covenant running with the land, in any future deeds, leases, permits, licenses, and similar agreements entered into by the Recipient with other

parties: (a) for the subsequent transfer of real property acquired or improved under CT-06-0007; and (b) for the construction or use of or access to space on, over or under real property acquired, or improved under CT-06-0007.

11. That this assurance obligates the Recipient for the period during which Federal financial assistance is extended to the project, except where the Federal financial assistance is to provide, or is in the form of, personal property, or real property or interest therein or structures or improvements thereon, in which case the assurance obligates the Recipient or any transferee for the longer of the following periods: (a) the period during which the property is used for a purpose for which the Federal financial assistance is extended, or for another purpose involving the provision of similar services or benefits; or (b) the period during which the Recipient retains ownership or possession of the property.
12. The Recipient shall provide for such methods of administration for the program as are found by the Secretary of Transportation or the official to whom he delegates specific authority to give reasonable guarantee that it, other recipients, subgrantees, contractors, subcontractors, transferees, successors in interest, and other participants of Federal financial assistance under such program will comply with all requirements imposed or pursuant to the Act, the Regulations and this assurance.
13. The Recipient agrees that the United States has a right to seek judicial enforcement with regard to any matter arising under the Act, and Regulations, and this assurance.

THIS ASSURANCE is given in consideration of and for the purpose of obtaining any and all Federal grants, loans, contracts, property, discounts or other Federal financial assistance extended after the date hereof to the Recipient by the Department of Transportation under Federal Urban Mass Transportation Programs and is binding on it, other recipients, subgrantees, contractors, subcontractors, transferees, successors in interest and other participants in the Federal Urban Mass Transportation Program. The person or persons whose signatures appear below are authorized to sign this assurance on behalf of the Recipient.

DATE Jan. 1, 1976

Westport Transit District
(Recipient)

Paul R. Lee
(Signature of Authorized Official)

Attachments
Appendices A, B, and C

During the performance of this contract, the contractor, for itself, its assignees and successors in interest (hereinafter referred to as the "contractor") agrees as follows:

- (1) Compliance with Regulations: The contractor shall comply with the Regulations relative to nondiscrimination in Federally-assisted programs of the Department of Transportation (hereinafter, "DOT") Title 49, Code of Federal Regulations, Part 21, as they may be amended from time to time (hereinafter referred to as the Regulations), which are herein incorporated by reference and made a part of this contract.
- (2) Nondiscrimination: The contractor, with regard to the work performed by it during the contract, shall not discriminate on the grounds of race, color, sex or national origin in the selection and retention of subcontractors, including procurements of materials and leases of equipment. The contractor shall not participate either directly or indirectly in the discrimination prohibited by section 21.5 of the Regulations, including employment practices when the contract covers a program set forth in Appendix B of the Regulations.
- (3) Solicitations for Subcontracts, Including Procurements of Materials and Equipment: In all solicitations either by competitive bidding or negotiation made by the contractor for work to be performed under a subcontract, including procurements of materials or leases of equipment, each potential subcontractor or supplier shall be notified by the contractor of the contractor's obligations under this contract and the Regulations relative to nondiscrimination on the grounds of race, color, sex or national origin.
- (4) Information and Reports: The contractor shall provide all information and reports required by the Regulations or directives issued pursuant thereto, and shall permit access to its books, records, accounts, other sources of information, and its facilities as may be determined by the Recipient or the Urban Mass Transportation Administration (UMTA) to be pertinent to ascertain compliance with such Regulations, orders and instructions. Where any information is required or a contractor is in the exclusive possession of another who fails or refuses to furnish this information, the contractor shall so certify to the Recipient, or the Urban Mass Transportation, as appropriate, and shall set forth what efforts it has made to obtain the information.

(5) Sanctions for Noncompliance: In the event of the contractor's noncompliance with the nondiscrimination provisions of this contract, the Recipient shall impose such contract sanctions as it or the Urban Mass Transportation Administration may determine to be appropriate, including, but not limited to:

- (a) Withholding of payments to the contractor under the contract until the contractor complies, and/or
- (b) Cancellation, termination or suspension of the contract, in whole or in part.

(6) Incorporation of Provisions: The contractor shall include the provisions of paragraph (1) through (6) in every subcontract, including procurements of materials and leases of equipment, unless exempt by the Regulations, or directives issued pursuant thereto. The contractor shall take such action with respect to any subcontract or procurement as the Recipient or the Urban Mass Transportation Administration may direct as a means of enforcing such provisions including sanctions for noncompliance: Provided, however, that, in the event a contractor becomes involved in, or is threatened with, litigation with a subcontractor or supplier as a result of such direction, the contractor may request the Recipient to enter into such litigation to protect the interests of the Recipient, and, in addition, the contractor may request the United States to enter into such litigation to protect the interests of the United States.

A-135

The following clauses shall be included in any and all deeds effecting or recording the transfer of real property, structures or improvements thereon, or interest therein from the United States.

(GRANTING CLAUSE)

NOW, THEREFORE, the Department of Transportation, as authorized by law, and upon the condition that the Recipient will accept title to the lands and maintain the project constructed thereon, in accordance with the Urban Mass Transportation Act of 1964, as amended, the Regulations for the Administration of Federal Urban Mass Transportation Programs and the policies and procedures prescribed by the Urban Mass Transportation Administration of the Department of Transportation and, also in accordance with and in compliance with all requirements imposed by or pursuant to Title 49, Code of Federal Regulations, Department of Transportation, Subtitle A, Office of the Secretary, Part 21, Non-discrimination in Federally-assisted programs of the Department of Transportation (hereinafter referred to as the Regulations) pertaining to and effectuating the Provisions of Title VI of the Civil Rights Act of 1964 (78 Stat. 252; 42 U.S.C. 2000d to 2000d-4), does hereby remise, release, quitclaim and convey unto the Westport Transit District all the right, title, and interest of the Department of Transportation in and to said lands described in Exhibit "A" attached hereto and made a part hereof.

(REBENDUM CLAUSE)

DO HAVE AND TO HOLD said lands and interests therein unto the Westport Transit District and its successors forever, subject, however, to the covenants, conditions, restrictions and reservations herein contained as follows, which will remain in effect for the period during which the real property or structures are used for a purpose for which Federal financial assistance is extended or for another purpose involving the provision of similar services or benefits and shall be binding on the Westport Transit District, its successors and assigns.

The Westport Transit District, in consideration of the conveyance of said lands and interests in lands, does hereby covenant and agree as a covenant running with the land for itself, its successors and assigns, that (1) no person shall on the grounds of race, color, or national origin, be excluded from participation in, be denied the benefits of, or be otherwise subjected to discrimination with regard to any facility located wholly or in part on, over or under such land hereby conveyed (,) (and)* (2) that the Westport Transit District shall use the lands and interests in

lands so conveyed, in compliance with all requirements imposed by or pursuant to Title 49, Code of Federal Regulations, Department of Transportation, Subtitle A, Office of the Secretary, Part 21, Nondiscrimination in Federally-assisted programs of the Department of Transportation - Effectuation of Title VI of the Civil Rights Act of 1964, and as said Regulations may be amended (,) and (3) that in the event of breach of any of the above-mentioned nondiscrimination conditions, the Department shall have a right to re-enter said lands and facilities on said land, and the above described land and facilities shall thereon revert to and vest in and become the absolute property of the Department of Transportation and its assigns as such interest existed prior to this instruction.*

*Reverter clause and related language to be used only when it is determined that such a clause is necessary in order to effectuate the purposes of Title VI of the Civil Rights Act of 1964.

The following clauses shall be included in all deeds, licenses, leases, permits, or similar instruments entered into by the recipient pursuant to the provisions of Assurance 10(a).

The (grantee, licensee, lessee, permittee, etc., as appropriate) for himself, his heirs, personal representatives, successors in interest, and assigns, as a part of the consideration hereof, does hereby covenant and agree (in the case of deeds and leases add "as a covenant running with the land") that in the event facilities are constructed, maintained, or otherwise operated on the said property described in this (deed, license, lease, permit, etc.) for a purpose for which a Department of Transportation program or activity is extended or for another purpose involving the provision of similar services or benefits, the (grantee, licensee, lessee, permittee, etc.) shall maintain and operate such facilities and services in compliance with all other requirements imposed pursuant to Title 49, Code of Federal Regulations, Department of Transportation, Subtitle A, Office of the Secretary, Part 21, Nondiscrimination in Federally-assisted programs of the Department of Transportation - Effectuation of Title VI of the Civil Rights Act of 1964; and as said Regulations may be amended.

Include in licenses, leases, permits, etc)*

That in the event of breach of any of the above nondiscrimination covenants, (Westport Transit District shall have the right to terminate the (license, lease, permit, etc.) and to re-enter and repossess said land and the facilities thereon, and hold the same as if said license, lease, permit, etc.) had never been made or issued.

Include in deeds)*

That in the event of breach of any of the above nondiscrimination covenants, Westport Transit District shall have the right to re-enter said lands and facilities thereon, and the above described lands and facilities shall thereupon revert to and vest in and become the absolute property of Westport Transit District and its signs.

The following shall be included in all deeds, licenses, leases, permits, or similar agreements entered into by Westport Transit District pursuant to the provisions of Assurance 10(b)

(grantee, licensee, lessee, permittee, etc., as appropriate) for himself, his personal representatives, successors in interest, and assigns, as a part of the consideration hereof, does hereby covenant and agree (in the case of deeds, and leases, add "as a covenant running with the land") that (1) no person on the ground of race, color, or national origin shall be otherwise subjected to discrim-

on in the use of said facilities, (2) that in the construction of any improvements on, over, or under such land and the furnishing of services thereon, no person on the ground of race, color, or national origin shall be excluded from participation in, denied the benefits of, or otherwise be subjected to discrimination, (3) the (grantee, licensee, lessee, permittee, etc.) shall use the premises in compliance with all other requirements imposed by or pursuant to Title 49, Code of Federal Regulations, Department of Transportation, Subtitle A, Office of the Secretary, Part 21, Nondiscrimination in Federally-assisted programs of the Department of Transportation - Effectuation of Title VI of the Civil Rights Act of 1964), and as said Regulations may be amended.

in the event of breach of any of the above nondiscrimination provisions, Westport Transit District shall have the right to terminate the (license, lease, permit, etc.) and to re-enter and possess said land and the facilities thereon, and hold the same as if said (license, lease, permit, etc.) had never been made or issued.

in the event of breach of any of the above nondiscrimination provisions, Westport Transit District shall have the right to terminate the (license, lease, permit, etc.) and to re-enter and possess said land and the facilities thereon, and hold the same as if said (license, lease, permit, etc.) had never been made or issued.

in the event of breach of any of the above nondiscrimination provisions, Westport Transit District shall have the right to terminate the (license, lease, permit, etc.) and to re-enter and possess said land and the facilities thereon, and hold the same as if said (license, lease, permit, etc.) had never been made or issued.

in the event of breach of any of the above nondiscrimination provisions, Westport Transit District shall have the right to terminate the (license, lease, permit, etc.) and to re-enter and possess said land and the facilities thereon, and hold the same as if said (license, lease, permit, etc.) had never been made or issued.

after clause and related language to be used only when it is determined that such a clause is necessary in order to effectuate the purpose of Title VI of the Civil Rights Act of 1964.

A-137

resolution authorizing the filing of an application with the Department of Transportation, United States of America, for a grant under the Urban Mass Transportation Act of 1964, as Amended.

REAS, the Secretary of Transportation is authorized to make grants for mass transportation projects;

REAS, the contract for financial assistance will impose certain obligations upon the applicant, including the provision by it of the equal share of project costs;

REAS, it is required by the U. S. Department of Transportation in accordance with the provisions of Title VI of the Civil Rights Act of 1964, that in connection with the filing of an application for assistance under the Urban Mass Transportation Act of 1964, as amended, the applicant give an assurance that it will comply with Title VI of the Civil Rights Act of 1964 and the U. S. Department of Transportation requirements thereunder; and

REAS, it is the goal of the Applicant that minority business enterprises be utilized to the fullest extent possible in connection with this project, and that definitive procedures shall be established and administered to ensure that minority businesses shall have the maximum feasible opportunity to compete for contracts when procuring construction contracts, supplies, equipment contracts, or consultant other services:

, THEREFORE, BE IT RESOLVED by the Westport Transit Directors

That Paul R. Green is authorized to execute and file an application on behalf of the Westport Transit District with the U. S. Department of Transportation, to aid in the financing of a Demonstration & Service Development Project.

That Paul R. Green is authorized to execute and file with such application an assurance or any other document required by the U. S. Department of Transportation effectuating the purposes of Title VI of the Civil Rights Act of 1964.

That Richard H. Bradley, Executive Director, is authorized to furnish such additional information as the U. S. Department of Transportation may require in connection with the application or the project.

A-146

That Paul Green is authorized to set forth and execute affirmative minority business policies in connection with the project's procurement needs.

CERTIFICATE

undersigned duly qualified and acting Vice Chairman of the port Transit District certifies that the foregoing is a true correct copy of a resolution, adopted at a legally convened meeting of the Westport Transit Directors held on February 21, 1976.

John E. ...
Signature of Recording Officer

Vice Chairman
Title of Recording Officer

2-24-76
Date

F-15

Memorandum

DATE:

JUN 29 1976

SUBJECT: Westport, Connecticut-Integrated
Taxi-Fixed Route Bus Service
Demonstration CT-06-0007-1

In reply
refer to: Program Code: 34.07.0

FROM : Associate Administrator for Transportation
Management and Demonstrations UMD-1

TO : The Administrator UOA-1

1. Grantee

Westport Transit District
311 East State Street
Westport, Connecticut 06880

2. Objective

This project will directly impact on UMTA's goals of reducing trip time, increasing transit coverage, and improving productivity. The project will demonstrate the integration of a range of integrated conventional and paratransit services including fixed route bus, shared-ride taxi, route deviation bus, and special market demand responsive service provided by both public and private operators. The project will demonstrate the applicability of such an integrated approach to medium and low density communities. In addition, the Transit District will develop its role as a community transportation broker.

3. Project Description

The design for this demonstration project is the culmination of an UMTA grant to the Westport Transit District to study the integration of the existing fixed route bus system and privately operated taxi system. Westport, with a population of approximately 28,000, has operated a fixed route bus system since mid-1974.

The transit district provides service on six fixed routes as well as service on special commuter routes serving a limited number of commuter trains.

Although expansion of service is a significant development, the most important feature of the proposed demonstration is the integration of conventional transit services provided by the District, and the new paratransit services to be provided by a private operator. It will bring a range of services under a single management system. The District will contract with either one or both of the current taxi operators to operate the paratransit services using vehicles owned by the District. The company will provide personnel, supervisory, and management functions. All revenues generated by the service would belong to the Transit District.

A crucial element to accomplish this integration will be the implementation of a single control center to dispatch and monitor the operation of all transportation services.

The major features of the demonstration project are:

- ✓ 1) Shared-Ride taxi Service-An integrated taxi service will be offered including both shared and premium ride as well as small package delivery. The service would be provided through a single dispatch center and would use approximately six twelve-passenger vans. The shared-ride taxi service will provide complementary service to the fixed route buses at times of low demand. Fares for the shared ride service will be integrated with the current pre-paid annual pass system used by the district.
- 2) Supplementary Fixed Route Service-Greatly increased commuter service would enable the district to serve twice as many commuter trains. In addition, the district would be able to provide additional hours of fixed route service during the evening hours using smaller vehicles.
- 3) Special Market Services-Advance-request demand responsive service will be available for special user groups such as the elderly and handicapped and for groups such as day care centers who wish to subscribe for special services.

- 4) Transportation Brokerage- The Transit District will develop and expand its role as a transportation broker for the community. Pooling will be promoted as part of the project's overall public information program. Technical assistance will be provided in forming pools. Assistance in implementing subscription van programs will be provided to main employment centers in the community including the CBD. In addition, the Transit District will develop a program for utilizing occasional providers of paratransit service. Rather than add additional equipment to meet growing demand for some transit services, the District would pay individuals driving their own vehicles to provide supplementary service on certain routes during peak periods.

4. Budget

In addition to the original \$25,000 provided for this project, ~~UMTA will provide \$610,000~~. UMTA's share represents 80% of Capital costs for the purchase of vans and related equipment and of operating costs.

The State of Connecticut and Westport will contribute 20% of the Capital and operating costs in the amount of \$153,841.

Total net project cost (gross cost less operating revenue) is \$788,841.

X [The Transit District plans to continue the service provided under the demonstration project through a combination of local support, State assistance, and UMTA Section 5 funds.

5. Schedule

The project duration will be for a period of two years beginning July 1, 1976. Actual implementation of service will begin in mid September, 1976 in Westport. Carpooling and vanpooling support activities would begin in early 1977.

6. Legal Determination

The Office of the Chief Counsel finds the proposed project is authorized under Section 6 of the Act, and that the applicant is legally acceptable as a grantee.

7. Labor Determination

The Assistant Secretary of Labor has specified the terms and conditions of the protective arrangements under Section 13c of the Act.

8. Environmental Impact

In accordance with the National Environmental Policy Act of 1969 and the implementing directives, it is determined that the proposed grant will not have significant impact on the quality of the environment.

9. Recommendation

I recommend that you approve this project and have reserved \$610,000 as the UMTA share. I also recommend that you find this project will assist in the improvement of Urban Mass Transportation service and the contribution of such service toward meeting total urban transportation needs at minimum cost.

Robert H. McManus
Robert H. McManus

Attachments

I have made a fund ^{pre-validation} reservation in the amount of \$610,000 for this project.

Graham Johnson
Graham Johnson

Approved:

Robert E. Patricelli
Robert E. Patricelli

Date:

7/16/76

URBAN MASS TRANSPORTATION

AMENDATORY AGREEMENT

Project No. CT-06-0007
Amendment No. 1

AMENDMENT TO URBAN MASS TRANSPORTATION DEMONSTRATION CONTRACT

This Amendatory Agreement by and between the Westport Transit District (herein called the "Public Body") and the United States of America (herein called the "Government")
WITNESSETH:

WHEREAS, the parties have entered into a Mass Transportation Demonstration Grant Contract as of the 22nd day of July 1975, pursuant to which the Public Body agreed to undertake a Mass Transportation Demonstration Project and the Government agreed to provide financial assistance to the Public Body in the form of a Mass Transportation Demonstration Grant; and

WHEREAS, the purpose of this Amendment is to revise the Urban Mass Transportation Demonstration Contract to demonstrate a broad range of integrated conventional and paratransit services including fixed route bus, shared ride taxi, route deviation bus, and special market demand responsive service provided by either public or private operators or both as the Public Body shall determine subject to concurrence by UMTA;

NOW, THEREFORE, in consideration of the mutual promises herein set forth, the parties hereto agree that the Mass Transportation Demonstration Grant Contract shall be amended as follows:

Sec. 1. Sec. 2 ("The Project") is amended as follows:

"The Project" - The Public Body agrees to undertake, carry out, and complete the Project described in its Application filed with, and approved by, the Government, and herewith incorporated by reference, and in accordance with the terms and conditions of this Contract. The purpose of this Project is to carry out in part the study funded in the original Grant Contract.

The major elements of the Project are:

- a. Shared-Ride Service - An integrated service will be offered including both shared and premium ride as well as small package delivery. The service would be provided through a single dispatch center and would use approximately six twelve-passenger vans. The shared-ride service will provide complementary service to the fixed route buses at times of low demand. Fares for the shared ride service will be integrated with the current pre-paid annual pass system used by the district.
- b. Special Market Services - Advance-request demand responsive service will be available for special user groups such as the elderly and handicapped and for groups such as day care centers who wish to subscribe for special services.
- c. Transportation Brokerage - The Transit District will develop and expand its role as a transportation broker for the community. Pooling will be promoted as part of the project's overall public information program. Technical assistance will be provided in forming pools. Assistance in implementing subscription van programs will be provided to main employment centers in the community including the CBD. In addition, the Transit District will develop a program for utilizing occasional providers of paratransit service. Rather than add additional equipment to meet growing demand for some transit services, the District would pay individuals driving their own vehicles to provide supplementary service on certain routes during peak periods.
- d. Supplementary Fixed Route Service -

Sec. 2. The first paragraph of Sec. 3 is amended as follows:

"The Grant - In order to assist the Public Body in financing the cost of the Project, which cost is estimated to be One Million, Two Hundred Twenty-Five Thousand, One Hundred Ninety-Two Dollars (\$1,225,192), the Government will make a Grant in an amount equal to 100% of the actual cost of the Project as approved on July 22, 1975, that amount not to exceed \$25,000; and 80% of the remaining cost of the Project, as determined by the Government or in the amount of Six Hundred Thirty-Five Thousand Dollars (\$635,000), whichever is the lesser."

Sec. 3. Sec. 5 is amended to read as follows:

"Labor Protection - The Public Body agrees to undertake, carry out, and complete the Project under the terms and conditions determined by the Secretary of Labor to be fair and equitable to protect the interests of employees affected by the Project and meeting the requirements of Section 13(c) of the Act.

These terms and conditions are specified in the letter of certification to the Government from the Department of Labor dated April 1, 1976, which is incorporated herein by reference.

The Public Body agrees that the following terms and conditions shall apply for the protection of employees in the mass passenger transportation industry in the service area of the Project:

- a. The Project shall be carried out in such a manner and upon such terms and conditions as will not adversely affect employees in the mass passenger transportation industry within the service area of the Project.
- b. All rights, privileges, and benefits (including pension rights and benefits) of employees (including employees already retired) shall be preserved and continued.
- c. The Public Body shall be financially responsible for any deprivation of employment or other worsening of employment position as a result of the Project.
- d. In the event an employee is terminated or laid off as a result of the Project, he shall be granted priority of employment or reemployment to fill any vacant position for which he is, or by training or retraining can become, qualified. In the event training or retraining is required by such employment or reemployment, the Public Body shall provide or provide for such training or retraining at no cost to the employee.
- e. Any employee who is laid off or otherwise deprived of employment or placed in a worse position with respect to compensation, hours, working conditions, fringe benefits, or rights and privileges pertaining thereto at any time during his employment as a result of the Project, including any program of

efficiencies or economies directly or indirectly related thereto, shall be entitled to receive any applicable rights, privileges and benefits as specified in the employee protective arrangement certified by the Secretary of Labor under Section 405(b) of the Rail Passenger Service Act of 1970 on April 16, 1971. An employee shall not be regarded as deprived of employment or placed in a worse position with respect to compensation, etc., in case of his resignation, death, retirement, dismissal for cause, or failure to work due to disability or discipline. The phrase 'as a result of the Project' as used herein shall include events occurring in anticipation of, during, and subsequent to the Project.

- f. These conditions shall be subject to the legal limitations, if any, of the Public Body. In the event any provision of these conditions is held to be invalid or otherwise unenforceable, the Public Body, the employees and/or their representatives may invoke the jurisdiction of the Secretary of Labor to determine substitute fair and equitable employee protective arrangements which shall be incorporated in these conditions.
- g. The Public Body agrees that any controversy respecting the Project's effects upon employees, the interpretation or application of these conditions and the disposition of any claim arising hereunder may be submitted by any party to the dispute including the employees or their representative for determination by the Secretary of Labor, whose decision shall be final.
- h. The Public Body shall maintain and keep on file all relevant books and records in sufficient detail as to provide the basic information necessary to the making of the decisions called for in the preceding paragraph.
- i. The Public Body will post, in a prominent and accessible place, a notice stating that the Public Body is a recipient of Federal assistance under the Urban Mass Transportation Act and has agreed to comply with the provisions of Section 13(c) of the Act.

The notice shall also specify the terms and conditions set forth herein for the protection of employees.

Sec. 4. Special Condition

"Statement of Work - The Public Body agrees to undertake, carry out and complete the Project described in its Application, as revised, filed with, and approved by, the Government, and herewith incorporated by reference, and in accordance with the terms and conditions of this Contract and the following modifications to the Application:

- 1) The Transportation Systems Center (TSC) will act as UMTA's agent in developing a summary evaluation of the Project. The Public Body shall work closely with the Project evaluation team assigned by TSC. The Public Body will be responsible for project data collection as prescribed in an evaluation plan developed by TSC. These data will be made available to TSC. Evaluation plans will be developed in close coordination with the Public Body. Project evaluation will be the responsibility of TSC; however, the Public Body will have full access to the data to perform private analyses outside the scope of the Project and for the preparation of technical papers. Also, the Public Body is expected to make use of the data in formulating the service operated and modifying the service as necessary during the demonstration.
- 2) Because of the complex nature of the Project, detailed reporting of project tasks will be required. Monthly reports will document the progress of each task. If no activity occurred during the reporting period, it will be so reported. Quarterly financial reports shall be submitted showing the amount expended for each task during the reporting period and the total for the Project. An indication should be made whether the rate of expenditure is in accordance with planned expenditures. Excessive or unexpected expenditures should be noted .
- 3) The Public Body shall prepare a descriptive final report at the conclusion of the Project. Draft copies of the report shall be submitted six weeks prior to the due date of the report. This report shall provide a narrative description of project activities and shall complement the technical evaluation reports by TSC.
- 4) Before proceeding with the implementation of the occasional provider service, the Public Body will develop an implementation plan for the service. The plan will include,

UMTA Contract
Plaintiff's Exhibit 7

A-130

6

by not but limited to, such issues as legal implications of the service, regulatory issues, and insurance requirements, etc. UMTA approval of the implementation plan will be required before actual implementation of this service can occur.

Execution of Amendatory Agreement - This Amendatory Agreement is in offer and acceptance form. It may be simultaneously executed in several counterparts, each of which shall be deemed to be an original having identical legal effect.

Offer - When dated and signed by the Government, this instrument shall constitute an offer which should be accepted by the Public Body by execution within sixty (60) days of such date. The Government may withdraw any offer not accepted within the sixty-day period. Upon acceptance of the offer the effective date of the Amendatory Agreement shall be the date on which this offer was executed by the Government.

The Government has duly executed this offer this _____ day of _____, 19____.

BY _____

TITLE: ASSOCIATE ADMINISTRATOR

Acceptance - The Public Body does hereby ratify and adopt all statements, representations, warranties, covenants, and agreements contained in the Application and supporting materials submitted by it, and does hereby accept the conditions thereof.

Executed this _____ day of _____, 19____.

SEAL

WESTPORT TRANSIT DISTRICT
Westport, Connecticut

ATTEST: _____

BY: _____

DEPARTMENT OF TRANSPORTATION

Urban Mass Transportation Administration

[UMTA Docket No. 76-05]

PARATRANSIT SERVICES

Proposed Policy

The purpose of this Notice is to issue for review and comment a statement of policy of the Urban Mass Transportation Administration with respect to paratransit.

The Urban Mass Transportation Act of 1964, as amended, declared it to be in the national interest to encourage and promote the development of transportation systems embracing various modes of transport, both public and private. In support of this objective, the Urban Mass Transportation Administration declared flexible, collective paratransit services eligible for Federal capital and operating assistance under the formula grant (section 5) program (40 FR 2535, issued January 13, 1975).

The subsequent growth of interest in paratransit has made it desirable for UMTA to clarify its position on the potential role of this family of transportation services and on their implications for the administration of the Federal mass transportation assistance program.

The Urban Mass Transportation Administration invites comments on the proposed policy from all interested parties. Comments should be directed to UMTA's Office of Policy and Program Development, Room 9316, 400 Seventh Street, SW., Washington D.C. 20590. All written communications received on or before November 30, 1976, will be considered in the preparation of the final Statement of Policy.

Issued in Washington, D.C., on October 15, 1976.

ROBERT E. PATRICELLI,
Urban Mass Transportation
Administrator.

POLICY ON PARATRANSIT

The strength of our transportation system lies in its diversity, with each mode contributing its unique and inherent advantages and responding to different consumer demands at various levels of cost and quality of service. It is the policy of the Department of Transportation to preserve and encourage this diversity by promoting competitive opportunity for all forms of transportation, both public and private; and to encourage cooperation, connectivity and integration among different modes and types of service.

Paratransit—flexible, collective transportation services, operated publicly or privately and using small or intermediate-sized vehicles—has an important role to play in such a unified transportation system. Its various forms, when properly designed and implemented as part of a coordinated areawide transportation plan, can satisfy a wide range of local transportation needs that would otherwise remain unmet or provided for less effectively. In rural America, in small

towns and in suburban communities where population densities are low and travel patterns diffuse, paratransit will often be the most economical form of local public transportation. In many communities, large and small, paratransit can offer the best means of serving the needs of elderly, young and handicapped persons, and those who do not own cars and have no convenient access to regular public transportation.

The effectiveness and efficiency of a total transportation system can be increased by coordinating paratransit with conventional transit. In lower and medium density areas where the automobile is the only access mode to regular transit service, paratransit can provide pre-arranged collection-distribution service to fixed-route line haul systems, thereby extending the reach of public transportation into low density residential areas that would otherwise remain unserved. If demand increases, paratransit services can be progressively replaced by conventional fixed-route services. Thus, paratransit can serve as a vanguard for regular transit, opening up new market territory and building up the transit habit at a cost affordable to the community.

Paratransit can also supplement conventional fixed-route service by providing higher quality service to those who desire and are willing to pay for it. The combined effects of a high level of automobile availability, increased affluence and more dispersed travel patterns have estranged many people from conventional transit. Flexible, personalized paratransit services offer a chance of persuading the transit independents to abandon their total reliance on the private automobile and to become users of public transportation for local, short-distance trips.

Finally, paratransit, in the form of voluntary, cooperative ride-sharing arrangements, can enable people living in outlying portions of metropolitan areas with no convenient access to regular transit service to cease their dependency on the private automobile for the trip to work, and to contribute to the goal of relieving congestion and conserving energy.

In sum, transit and paratransit complement each other and can be made to work in a productive partnership to the advantage of both modes. In some cases this partnership can take the form of cooperative arrangements between private and public operators, each serving a different segment of the market. In other cases, a public transit authority can serve as a broker, contracting with different private and public operators to provide the most economical and convenient service to fit the market needs of a particular segment of the community. The important point is that our metropolitan areas, with their varied forms, densities and travel patterns, require a mix of conventional and flexible transit services to serve different market needs. An effective metropolitan transportation system should take the form of a cooperative partnership of paratransit and regular transit modes, with

closely coordinated services and with the possibility of varied ownership of its different components. Such a system offers promise of the greatest overall operating efficiency and effectiveness by exploiting the inherent advantages of each mode and providing a range of differentiated service options that respond to varying consumer demands and different local needs and budgets.

PLANNING FOR PARATRANSIT SERVICES

UMTA encourages urban areas to consider paratransit services whenever such services offer promise of a more effective, efficient and economical way of providing needed public transportation service. Examples of circumstances for which paratransit service could be appropriate are local circulation in low density areas, transportation of elderly and handicapped persons, substitute late night and weekend transit service in central cities, feeder/distribution service to line haul operations in low density neighborhoods, and cooperative ride-sharing arrangements for the home-to-work trip.

Consideration of paratransit services is encouraged in the development of Transportation System Management (TSM) plans, Transit Development Programs in non-urbanized areas, and plan elements developed pursuant to UMTA regulations concerning Transportation for Elderly and Handicapped Persons (49 CFR 613). UMTA will seek to ensure, as part of the annual review of the Transportation Improvement Program (TIP), that the use of paratransit services has been adequately considered in the development of the TSM plan and the plan element intended to meet the transportation needs of elderly and handicapped persons (49 CFR 613), and that those paratransit services that have been included in the TSM plan are programmed for implementation. At the same time, the intent and spirit underlying the Federal program of mass transportation assistance is to leave to localities the widest possible discretion and flexibility in deciding upon the nature and mix of their transportation system. UMTA, therefore, will abide by the local judgment as to the choice of modes and mix of services to be included in the local plan and program.

Sections 3(e) and 4(a) of the Urban Mass Transportation Act of 1964, as amended (hereinafter "the Act") encourage maximum feasible participation of private enterprise in carrying out the local urban transportation program. Pursuant to this policy, UMTA will seek to ensure, as part of the annual review of the Transportation Improvement Program (TIP), that local taxi operators and other private transportation providers have been afforded a fair and timely opportunity to participate in the development of local transportation plans and programs and to recommend the inclusion of private paratransit services (including special services for elderly and handicapped persons) in the Transportation System Management (TSM) plan and in the annual element of the Transportation Improvement Program (TIP).

Outmoded local laws, regulations and ordinances often constitute a barrier to paratransit implementation. Local and State agencies are encouraged to review existing laws, regulations and ordinances pertaining to paratransit operation, and eliminate or revise obsolete requirements or prohibitions that constrain or inhibit the introduction of paratransit services.

The proliferation of different social service agencies providing independent and uncoordinated special transportation services often constitutes an unnecessary duplication in equipment, facilities or labor, and represents a potential waste of public funds. State and local governments are urged to ensure maximum possible coordination in the delivery of such special transportation services, including offering existing operators a first opportunity to deliver the needed service with the funds available. UMTA, for its part, will attempt to facilitate such coordination through close cooperation with other Federal agencies.

PROTECTION OF EXISTING PRIVATE OPERATORS

Provision of paratransit service will often be carried out most efficiently and effectively by private transportation companies. It is in the public interest not to foreclose private operators from engaging in the provision of paratransit service where such private operators are willing and able to provide this service. Pursuant to this policy and to Sections 3(e) and 4(a) of the Act, UMTA will not provide financial assistance to any publicly-owned mass transportation company or private non-profit organization for the purpose of operating paratransit services in competition with paratransit services proposed or already being provided by an existing local taxi operator or other private transportation provider, unless it finds that the officially-developed local transportation program provides to the maximum extent feasible for the participation of private transportation companies (whether or not such companies are providing at the time mass transportation services).

A local transportation program will be found to provide for maximum feasible participation of private transportation

companies if it offers local taxi operators and other private transportation providers full opportunity to bid for the provision of any new paratransit services that might be proposed by public bodies for the implementation with the assistance of UMTA funds; and if it provides for the selection of the service provider competitively, on the basis of the highest efficiency and effectiveness, and least cost.

Compliance with the above policy of protection of private enterprise in the delivery of paratransit services will be ensured by UMTA through the annual review of the Transportation Improvement Program (TIP). Regulations are also being developed which will implement the general statutory requirement that maximum feasible participation be accorded to private enterprise in implementing an urban transportation program, going beyond the area of paratransit service.

ELIGIBILITY FOR FEDERAL FINANCIAL ASSISTANCE

Federal funds available pursuant to Sections 3 and 5 of the Act may be used to assist in the provision of paratransit services by publicly or privately owned transportation companies. Such funds may be used for the acquisition of equipment and for the payment of operating expenses (including depreciation on capital equipment) involved in the delivery of paratransit services. Any financial assistance to privately owned companies must, under the Act, be provided through a contractual arrangement with a public body or agency thereof or with a private non-profit organization.

To be eligible for such Federal financial assistance, a paratransit service must be included in the annual element of the local Transportation Improvement Program (TIP), or in a Transit Development Program (TDP) in the case of non-urbanized areas.

Paratransit services which may qualify for Federal financial assistance include dial-a-ride, jitney, community minibus, subscription bus service, certain forms of vanpooling and other types of collec-

tive (shared-ride) transportation services which are regularly available to the public, i.e. which cannot be reserved for the private and exclusive use of individual passengers.

Services which are not eligible for Federal financial assistance include exclusive-ride taxi services, car rental services, for-hire limousines and private ambulance service, and other similar forms of private transportation.

Where an organization is providing paratransit service as an incidental adjunct to its main business, UMTA will not consider such organization to be a mass transportation company within the meaning of Section 3(e) of the Act, or a mass transportation company or system with employees entitled to protection under Section 13(c). For example, a non-profit senior citizens center receiving capital assistance directly or through a public body under Section 3 or Section 16 of the Act for the purpose of providing transportation services to and from the center, would be considered by UMTA as not within the meaning of Sections 3(e) and 13(c). Similarly, a private taxi operator providing shared-ride paratransit services or contract services to a public transit authority, e.g. to provide special transportation services for elderly and handicapped persons, could be held to be providing such services on an incidental basis to its main business.

RESEARCH, DEVELOPMENT AND EXPERIMENTATION

To assist in making paratransit a more viable option for urban areas, UMTA maintains an active paratransit research, development and demonstration program. The objectives of this program are: (1) to investigate the potential of combining flexibly routed and fixed-route services in regional coverage systems integrating paratransit and conventional transit modes; (2) to develop and demonstrate viable institutional arrangements to support paratransit; (3) to develop and test improved vehicles and support technology for the delivery of paratransit services; and (4) to demonstrate innovative applications of paratransit services.

[FR Doc. 76-30740 Filed 10-19-76; 8:45 am]

TAXICAB MANAGEMENT

OFFICIAL PUBLICATION OF THE INTERNATIONAL TAXICAB ASSOCIATION

NOVEMBER 1976



As I see the future of this industry, there are several factors that will continue to make this a major segment of urban public transportation. First, and foremost important in our survival, is the necessity to change the thinking of those planning for and implementing programs for the transportation disadvantaged. A user-side subsidy whereby the individual is given, or can purchase at a discount, coupons or script for transportation. It is a known fact that this method of service will add dignity to the lives of our elderly and For the other transportation disadvantaged, it will give them the opportunity to choose their mode of transportation.

1976 NOV 11 AM 10:00
JOHN C. GILLESPIE JR.
WESTPORT, CT 06894
7 TAYLOR ST.
WESTPORT, CT 06894

UMTA's View of the Role of Taxicabs In Public Transportation

By C. Kenneth Orski

The strength of our transportation system lies in its diversity, with each mode contributing its unique and inherent advantages and responding to different consumer demands at various levels of cost and quality of service. It is the policy of the Department of Transportation to preserve and encourage this diversity by promoting competitive opportunity for all forms of transportation, both public and private; and to encourage cooperation, connectivity and integration among different modes and types of service.

Paratransit—flexible, collective transportation services, operated publicly or privately and using small or intermediate-size vehicles—has an important role to play in such a unified transportation system. Its various forms, when properly designed and implemented as part of a coordinated areawide transportation plan, can satisfy a wide range of local transportation needs that would otherwise remain unmet or provided for less effectively. In rural America, in small towns and in suburban communities where population densities are low and travel patterns diffuse, paratransit will often be the most economical form of local public transportation. In many communities, large and small, paratransit can offer the best means of serving the needs of elderly, young and handicapped persons, and those who do not own cars and have no convenient access to regular public transportation.

The effectiveness and efficiency

of a total transportation system can be increased by coordinating paratransit with conventional transit. In lower and medium density areas where the automobile is the only access mode to regular transit service, paratransit can provide pre-arranged collection-distribution service to fixed-route line haul systems, thereby extending the reach of public transportation into low density residential areas that would otherwise remain unserved. If demand increases, paratransit service can be progressively replaced by conventional fixed-route services. Thus, paratransit can serve as a vanguard for regular transit, opening up new market territory and building up the transit habit at a cost affordable to the community.

Paratransit can also supplement conventional fixed-route service by providing higher quality service to those who desire and are willing to pay for it. The combined effects of a high level of automobile availability, increased affluence and more dispersed travel patterns have estranged many people from conventional transit. Flexible, personalized paratransit services offer a chance of persuading the transit independents to abandon their total reliance on the private automobile and to become users of public transportation for local, short-distance trips.

Finally, paratransit, in the form of voluntary, cooperative ride-sharing arrangements, can enable people living in outlying

portions of metropolitan areas with no convenient access to regular transit service to cease their dependency on the private automobile for the trip to work, and to contribute to the goal of relieving congestion and conserving energy.

In sum, transit and paratransit complement each other and can be made to work in a productive partnership to the advantage of both modes. In some cases this partnership can take the form of cooperative arrangements between private and public operators, each serving a different segment of the market. In other cases, a public transit authority can serve as a broker, contracting with different private and public operators to provide the most economical and convenient service to fit the market needs of a particular segment of the community. The important point is that our metropolitan areas, with their varied forms, densities and travel patterns, require a mix of conventional and flexible transit services to serve different market needs. An effective metropolitan transportation system should take the form of a cooperative partnership of paratransit and regular transit modes, with closely coordinated services and with the possibility of varied ownership of its different components. Such a system offers promise of the greatest overall operating efficiency and effectiveness by exploiting the inherent advantages of each mode and providing a range of differentiated service options that respond to varying con-

sumer demands and different local needs and budgets.

Planning for Paratransit Services

UMTA encourages urban areas to consider paratransit services whenever such services offer promise of a more effective, efficient and economical way of providing needed public transportation service. Examples of circumstances for which paratransit service could be appropriate are local circulation in low density areas, transportation of elderly and handicapped persons, substitute late night and weekend transit service in central cities, feeder/distribution service to line haul operations in low density neighborhoods, and cooperative ride-sharing arrangements for the home-to-work trip.

Consideration of paratransit services is encouraged in the development of Transportation System Management (TSM) plans, Transit Development Programs in non-urbanized areas, and plan elements developed pursuant to UMTA regulations concerning Transportation for Elderly and Handicapped Persons (49 CFR 613). UMTA will seek to ensure, as part of the annual review of the Transportation Improvement Program (TIP), that the use of paratransit services has been adequately considered in the development of the TSM plan and the plan element intended to meet the transportation needs of elderly and handicapped persons (49 CFR 613), and that those paratransit services that have been included in the TSM plan are programmed for implementation. At the same time, the intent and spirit underlying the Federal program of mass transportation assistance is to leave to localities the widest possible discretion and flexibility in deciding upon the nature and mix of their transportation system. UMTA, therefore, will abide by

the local judgment as to the choice of modes and mix of services to be included in the local plan and program.

Sections 3(e) and 4(a) of the Urban Mass Transportation Act of 1964, as amended (herein after "the Act") encourage maximum feasible participation of private enterprise in carrying out the local urban transportation program. Pursuant to this policy, UMTA will seek to ensure, as part of the annual review of the Transportation Improvement Program (TIP), that local taxi operators and other private transportation providers have been afforded a fair and timely opportunity to participate in the development of local transportation plans and programs and to recommend the inclusion of private paratransit services (including special services for elderly and handicapped persons) in the Transportation System Management (TSM) plan and in the annual element of the Transportation Improvement Program (TIP).

Outmoded local laws, regulations and ordinances often constitute a barrier to paratransit implementation. Local and State agencies are encouraged to review existing laws, regulations and ordinances pertaining to paratransit operation, and eliminate or revise obsolete requirements or prohibitions that constrain or inhibit the introduction of paratransit services.

The proliferation of different social service agencies providing independent and uncoordinated special transportation services often constitutes an unnecessary duplication in equipment, facilities or labor, and represents a potential waste of public funds. State and local governments are urged to ensure maximum possible coordination in the delivery of such special transportation services, including offering existing op-

erators a first opportunity to deliver the needed service with the funds available. UMTA, for its part, will attempt to facilitate such coordination through close cooperation with other federal agencies.

Protection of Existing Private Operators

Provision of paratransit service will often be carried out most efficiently and effectively by private transportation companies. It is in the public interest not to foreclose private operators from engaging in the provision of paratransit service where such private operators are willing and able to provide this service. Pursuant to this policy and to Sections 3(e) and 4(a) of the Act, UMTA will not provide financial assistance to any publicly-owned mass transportation company or private non-profit organization for the purpose of operating paratransit services in competition with paratransit services proposed or already being provided by an existing local taxi operator or other private transportation provider, unless it finds that the officially-developed local transportation program provides to the maximum extent feasible for the participation of private transportation companies (whether or not such companies are providing at the time mass transportation services).

A local transportation program will be found to provide for maximum feasible participation of private transportation companies if it offers local taxi operators and other private transportation providers full opportunity to bid for the provision of any new paratransit services that might be proposed by public bodies for implementation with the assistance of UMTA funds; and if it provides for the selection of the service provider competitively, on the basis of

Continued on page 18

Continued from page 13

the highest efficiency and effectiveness, and least cost.

Compliance with the above policy of protection of private enterprise in the delivery of paratransit services will be ensured by UMTA through the annual review of the Transportation Improvement Program (TIP). Regulations are also being developed which will implement the general statutory requirement that maximum feasible participation be accorded to private enterprise in implementing an urban transportation program, going beyond the area of paratransit service.

Eligibility for Federal Financial Assistance

Federal funds available pursuant to Sections 3 and 5 of the Act may be used to assist in the provision of paratransit services by publicly or privately owned transportation companies. Such funds may be used for the acquisition of equipment and for the payment of operating expenses (including depreciation on capital equipment) involved in the delivery of paratransit services. Any financial assistance to privately owned companies must, under the Act, be provided through a contractual arrangement with a public body or agency thereof or with a private non-profit organization.

To be eligible for such Federal financial assistance, a paratransit service must be included in the annual element of the local Transportation Improvement Program (TIP), or in a Transit Development Program (TDP) in the case of non-urbanized areas.

Paratransit services which may qualify for Federal financial assistance include dial-a-ride, jitney, community minibus, sub-

scription bus service, certain forms of vanpooling and other types of collective (shared-ride) transportation services which are regularly available to the public, i.e. which cannot be reserved for the private and exclusive use of individual passengers.

Services which are not eligible for Federal financial assistance include exclusive-ride taxi services, car rental services, for-hire limousines and private ambulance service, and other similar forms of private transportation.

Where an organization is providing paratransit service as an incidental adjunct to its main business, UMTA will not consider such organization to be a mass transportation company within the meaning of Section 3(e) of the Act, or a mass transportation company or system with employees entitled to protection under Section 13(c). For example, a non-profit senior citizens center receiving capital assistance directly or through a public body under Section 3 or Section 16 of the Act for the purpose of providing transportation services to and from the center, would be considered by UMTA as not within the meaning of Sections 3(e) and 13(c). Similarly, a private taxi operator providing shared-ride paratransit services or contract services to a public transit authority, e.g. to provide special transportation services for elderly and handicapped persons, could be held to be providing such services on an incidental basis to its main business.

Research, Development and Experimentation

To assist in making paratransit a more viable option for urban areas, UMTA maintains an active paratransit research, development and demonstration program. The objectives of this program are: (1) to investigate the potential of combining

flexibly routed and fixed-route services in regional coverage systems integrating paratransit and conventional transit modes; (2) to develop and demonstrate viable institutional arrangements to support paratransit; (3) to develop and test improved vehicles and support technology for the delivery of paratransit services and (4) to demonstrate innovative applications of paratransit services.

ABOUT THE AUTHOR

C. Kenneth Orski, Associate Administrator for Policy and Program Development

URBAN MASS TRANSPORTATION ADMINISTRATION

C. Kenneth Orski was appointed Associate Administrator for Policy and Program Development in May 1974. In this position, he coordinates the development, planning, and evaluation of the overall UMTA program; carries out long-range policy analysis; and serves as the principal adviser to the Administrator on the development of UMTA's goals, missions, policies and legislative proposals.

Prior to joining UMTA, Orski was Director of Urban Affairs and head of international cooperation in transportation research at the Organization for Economic Cooperation and Development (OECD) in Paris, France. In that capacity, he directed a number of policy analyses and research studies for the governments of OECD countries on the problems of the urban environment, land use and transportation. Major transportation projects under his supervision included a two-year assessment of the impact of the automobile on the environment, a study of European intercity transport requirements and an evaluation of strategies for the management of automobile use in urban areas.

Before joining OECD, where he originally served as a Foreign Service Officer on assignment from the U. S. Department of State, Orski was associated with the General Dynamics Corporation. He joined that company in 1961 as Assistant to the President of the General Atomic Division in San Diego, and later was named Assistant Manager of the Division's East Coast

Office in Washington, D. C.

Prior to 1961, Orski served as an attorney with the U. S. Atomic Energy Commission in its civilian regulatory program and the Atoms-for-Peace program.

Raised in New York City, Orski was born in Warsaw, Poland in 1932. He graduated magna cum laude with high distinction from Harvard College in 1953 with a degree in economics. He received an LL.B. degree from Harvard Law School in 1956.

Orski has a long record of writing and professional activities in urban affairs and urban transportation. He was editor of The Urban Transportation Planning Process, Future Directions for Research in Urban Transportation and Streets for People, as well as author of numerous papers and articles.

In June 1975, he received the Department of Transportation's Superior Achievement Award for "the exceptionally creative impact he has had on the development of Federal transportation policy."

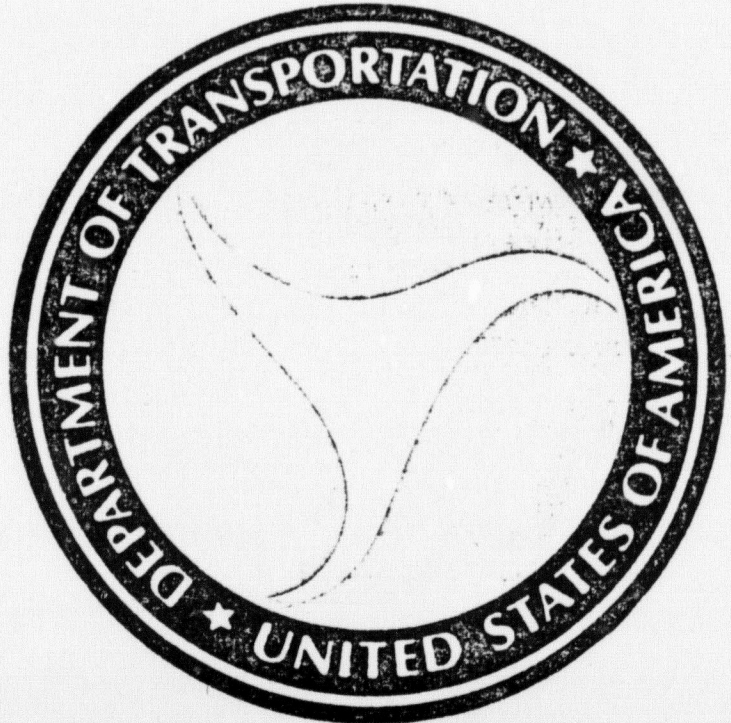
TAXICAB MANAGEMENT

OFFICIAL PUBLICATION OF THE INTERNATIONAL TAXICAB ASSOCIATION

FEBRUARY 1977



UMTA's Current Involvement With the Taxicab Industry



AMERICAN AIRLINES
MEMPHIS
7510001 TAXI SERVICE INC
7 TAYLOR PL
MEMPHIS
CT 384

UMTA's Current Involvement With the Taxicab Industry

James A. Bautz is with the Urban Mass Transportation Office of Service, Methods and Demonstrations. Bautz is in charge of the Paratransit Demonstrations Divisions and he is the liaison with the taxicab industry. Subject of his presentation at the ITA annual convention was UMTA's current involvement with the taxicab industry. It is published here for the benefit of those readers who were unable to attend the meeting.

I thank you very much for asking me to come back again this year and bring you up to date on some of the UMTA activities during the past year, which have affected the taxicab industry. I know when I talked to you last year I told you that any progress of the involvement of the taxicab industry with urban mass transportation systems was going to be slow. And I think by now a lot of you realize that it's going to be very slow. And to some of you the progress probably seems glacial. However, I think that in the past year we have come a long way in our efforts to incorporate taxis into UMTA programs; and more importantly to have them recognized as effective mass transportation vehicles, the potential of which has not been fully realized. Progress has been made in the area of hardware development, demonstration projects and policy implementation; and today I'd like to briefly touch onto all three of these areas.

Now in the past year some of you may have been contacted by different types of people: university professors, consultants, government employees, maybe planners asking about the taxicab industry. I've talked to some operators who wonder why all these people are bothering them. They get a call one day from somebody and he asks to hear all about the taxicab industry; and the next day somebody else will call and say, I heard you had a great innovative project going and I want you to tell me about it. I do ask that you bear with us on that, because there's a tremendous educational process that has to take place in the

I think that in the past year we have come a long way in our efforts to incorporate taxis into UMTA programs; and more importantly to have them recognized as effective mass transportation vehicles, the potential of which has not been fully realized.

governmental process of including the taxicab into urban transportation systems that can be funded with federal money. We have a system that involves local and state planning organizations, state DOT's; it involves universities, and universities are the ones that are going to train the planners of the future. And so, to the extent that they understand your problems, and your requirements, and what you can do, and the services you can provide, this would make it much easier to get taxicab operations considered to be part of the total urban transportation system.

I know it's annoying in some cases, I was talking to John Hall about this a little while ago and I know he gets besieged with people who keep coming in and saying, show me your shared-ride taxi system, it's such a great thing. And, really, this is part of the process of getting these concepts viewed in a different way, in a way that can be considered to be part of the urban mass transportation system.

Museum Exhibit

During the past year, I guess the project that has received the most publicity was the one run by the Museum of Modern Art in New York City, which was an exhibit of prototype taxi designs. The project was funded with grants from UMTA and the Mobile Oil Corporation, and it demonstrated that with a little imagination, more comfortable vehicles can be designed for taxi use. More importantly, however, the exhibit received a tremendous amount of publicity; and it raised the consciousness of Americans as to the important role of taxis in urban transportation systems, and the increased role that could be played by existing taxi operators given the proper regulatory, legal and institutional environments. Having the Museum of Modern Art involved turned out to be extremely important. As it turned out, that particular project has probably done more to focus attention on the taxicab as a mass transit vehicle than anything else that we've done in the past year. It received millions of dollars worth of publicity; and it was done by an organization that probably had more credibility than either the International Taxicab Association or UMTA in trying to push these ideas, because it was viewed as a neutral observer of the urban scene and it had a tremendous impact.

Our Office of Research and Development is currently exploring ways to continue the momentum generated by that project, and to continue the momentum generated by that project, and to incorporate the

ination of social service agencies and the use of the broker to channel money that is available for social service agencies to existing transportation providers rather than establishing new service and making the situation any worse than it is today. Another study is underway in University of North Carolina: Professor Gorman Gilbert, who spoke to the convention last year, is continuing his work to try to improve taxicab service and provide better business conditions for the small taxi operators in the state of North Carolina. Again that project will have several different kinds of outputs which will be good for the taxicab industry. Professor Gilbert is probably going to learn more than anybody else from this project; this will be reflected in his teaching of transportation students. The students that he's teaching are the ones who are going to be making the decisions regarding the allocation of money for transportation. So you can see how these projects have some very far-reaching effects going into the future. Professor Gilbert has produced a couple of reports; one from his first phase work, a couple of draft reports looking at usage of taxicab by time of the month, and also some ideas for improving service and coordinating service better for small taxi operations.

Very briefly this has been an overview of some of the work we've been doing. We have several things going; we have other projects planned for fiscal year 1977 and fiscal year 1978. These are all small projects and we have a very long way to go. I think that from what I've said it's a good start. We haven't really come to grips with the major problems and we haven't come to grips with the problems in larger cities, which are mainly institutional problems. The concepts that work well in small cities may mean an entirely different set of problems when they're tried in larger cities. When we're working in small cities, we're usually working with one or two operators. When we get to larger cities with more operators we're going to run into different problems. However, the use of the techniques that we're developing in these demonstrations can only be considered a success if they're accepted by planners and government officials as part of the total

urban transportation system. This means that the use of taxis must be included in alternative analyses conducted by planning organizations. Taxi operators must become involved in the transportation planning process. Also, public funds must be made available to support shared-ride taxi services which are part of a transit network.

UMTA has made a couple of important policy decisions in the past year which affect the role of taxis. Most of you are probably aware of the 16b2 regulations which now enable private transportation providers an opportunity to provide these services for the elderly and handicapped, and give the private owners a chance to work with public agencies to determine what service the private operator can provide. I think that the agreement by the DAST Service in Delaware to work with local taxi operators is a good example of what can be done when the social service agency providers and the local taxi operators work together. All the problems are not worked out yet; however, I think that these regulations are a step in the right direction. The most significant development in the past year was the issuance last week of a draft paratransit policy statement by UMTA. Any interested party may comment on these regulations within 45 days after the publication date in the Federal Register. The policy statement gives official recognition to the UMTA stand on paratransit services, which has been expounded in speeches and letters over the past year. The statement emphasizes that paratransit service can be an effective part of an urban transportation system, and can serve certain markets more effectively than conventional fixed-route transit. We feel that paratransit can be used to greatest effect by coordinating it with conventional transit, and providing service that complements and supplements fixed-route transit.

The policy statement is explicit in requiring that paratransit services be considered in the development of local transportation plans. The statement encourages the elimination of outmoded laws, regulations and ordinances, which constitute barriers to paratransit implementation. The coordination of social service agency transportation is also encouraged. One

section that's particularly relevant to the taxi industry states that local taxi operators and other private carriers must be afforded a fair and timely opportunity to participate in the planning of community level and special transit service for the elderly and handicapped, and in the development of the local transportation plan. UMTA will not provide financial assistance to support public paratransit services in competition with similar private services unless honest efforts are made to involve private operators as providers of paratransit services.¹ Compliance with this policy will be insured by UMTA annual review of the transportation improvement program.

Finally, the policy statement addresses the question of Section 13C of the UMTA act, which protects the rights of transit labor. The statement declares that in cases where paratransit service is offered by a private operator incidental to the provision of his regular service then UMTA will not consider it as falling within the purview of section 13C. I'm sure you are going to have a lot of questions and a lot of comments about this policy statement. On Wednesday, Ken Orski, who is the UMTA Associate Administrator for Policy and Program Planning, will be speaking to the convention. His office is the one that drafted the policy statement and it is to this office that you would send your comments. Let me emphasize that this is a draft policy statement and it may be changed based upon the comments received, so I encourage you please make your comments known in writing to UMTA. I welcome you after the talk to come up and get copies of the policy statement; read it over; be ready for Ken when he comes here to have questions at that time, and please make your comments known in writing to him. I'm sure that several of the items in this statement are going to be controversial and you definitely should make your views known. This very briefly is just an overview of what's happened in the past year and I'm very encouraged by it. I'm hopeful that the momentum that's been started for the development and coordination and effective use of transportation resources will become a reality in the future. Thank you very much.

ideas expressed in the prototypes into some type of practical production vehicle. That's going to be in the future; these vehicles were just prototypes but we're trying to carry the thing forward.

Other Projects

Another project that is under development in our Office of Research and Development is the testing of diesel taxis. Again, this was talked about a year ago; today still no taxis on the street. However, 66 are on order, and they're being delivered now through December 24th. It is expected that testing will continue through 1978.

Another research and development project was a contract recently awarded to Dave Systems, Inc., to determine the type of computer system that would be useful for assisting taxi operators in management dispatching of exclusive rides, shared-ride and other taxi services integrated into the urban transportation system. This work is being developed by the Research and Development Office. Eventually, when it is developed we'll be using it in demonstration projects.

As far as demonstrations are concerned, I think we've made a lot of progress in the past year in actually getting some projects underway; a year ago we were just talking about them. In Danville, Illinois, the so-called user side subsidy demonstration has been under way for some time. Under this scheme, senior citizens can receive subsidized taxi trips with the subsidy going to the individual and not to a particular operator. In this way, the individual can select a taxi company that provides the best service. Operationally the demonstration has worked very well. The subsidy per passenger trip is in the range of one dollar, which is really quite a low cost to pay for high quality door to door service. One dollar per trip compares very favorably to what most dial-a-ride operators are paying around the country. Now we're trying to expand on this concept and discussions are currently underway to involve the taxi and bus operators in Danville to provide transit service for all Danville residents. We feel that this approach will be cheaper and more efficient than

starting a new independent transit operation.

We're also trying out the user-side subsidy concept in Montgomery, Alabama; and Lawrence, Massachusetts; and we're developing a project in Kinston, North Carolina. These projects will try different fare collection schemes and they'll be in cities with and without fixed-through transit service. The problem is that these cities are small. The next step is to try the approach in a larger city with more taxi operators. I think so far the results are promising. There haven't been any particular operational problems; and the costs are relatively low. It looks like this concept can be expanded to provide transit service to the general population using existing private operators. A taxi feeders to fixed-route bus project was finally funded in St. Bernard Parish, Louisiana. Again this is a small project, but the particular setting provides a good opportunity to look at the operational effectiveness in economics of taxi feeder service.

Taxi feeder is an extremely simple concept. The way that we are testing it is to use the taxis to provide an extension of fixed-route service into low density areas rather than running a more expensive fixed-route bus. The concept was tested successfully in Peterborough, Canada, where a taxi feeder was substituted for a fixed-route bus in a low density suburban neighborhood. The service improved, the ridership improved, and most importantly the cost per passenger trip dropped from \$2.43 per passenger trip from that suburban neighborhood to 60 cents. So the effect was quite dramatic. I think that the major reason why it was effective is that the taxi operator in Peterborough was only paid when a demand existed.

In other words, it wasn't a question of running a fixed-route bus all day and all night whether or not there was any demand; but when there was demand people would call the taxi company and they would be taken to the transfer point to go on a fixed-route bus. So it only cost the city when there was demand.

Right now we're looking for a medium sized city in which to test the feeder concept. We attempted to

develop such a project in Fort Worth, and it failed when the City Council rejected the motion to submit a demonstration application to UMTA. We've run into a lot of problems trying to get any demonstration going in this particular case. There is resistance on the part of local public officials to providing public tax money as a subsidy to private operators. Another problem is that local officials are very reluctant to try anything which may add to the current transit operating deficit. They're very sensitive about this, and even though this concept could conceivably save money for transit systems there is a lot of reluctance to go-ahead with something new.

Another taxi demonstration project should soon get under way in Nassau County, New York. This project will expand the range of services offered by taxi operators and attempt to bring down the cost per passenger-trip by increasing productivity. In Westport, Connecticut, we're working to involve local taxi operators to provide shared-ride service and supplementary service to the fixed-route bus system.

Another demonstration project, which has been under discussion for the last two years is in Orange County, California. We want to develop an integrated demand responsive fixed-route service using taxis to provide demand service within defined zones and feeding the fixed-route bus. I'm hopeful that this project will also be used to further refine computer software that was developed for the dispatching of shared-ride vehicles. In Knoxville, Tennessee, the University of Tennessee has been acting as a transportation broker and working with taxi operators to provide taxi feeder service to fixed-route.

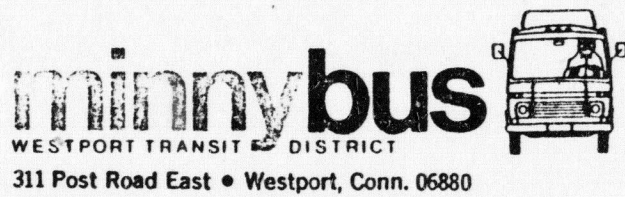
Studies Underway

In addition to demonstrations, we have studies underway in Arlington County, Virginia, to study the development of shared-ride taxi service; and Carnegie Mellon University in Pittsburgh is studying the development of a transportation brokerage service for that city. The broker will seek to match supply and demand and maximize the use of existing transportation providers including taxicabs. The important elements in Pittsburgh that they're working on are coord-

PUBLIC UTILITIES COMMISSION

Section 16-319-14. Order of service. The operator of a taxicab shall accommodate patrons in the order of their application for service. Consent of the patron first hiring the taxicab shall be obtained if additional patrons are to be carried.

A-163
Defendant's Exhibit S22
Requests for Proposals

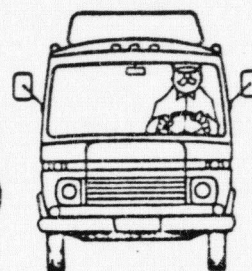
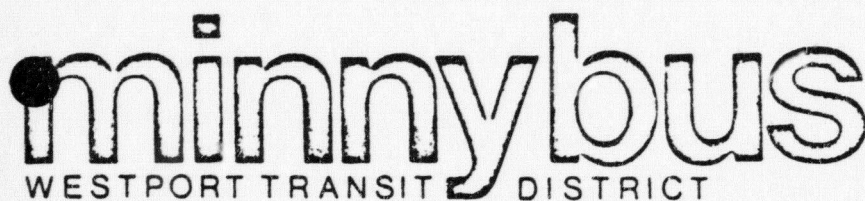


RETURN RECEIPT
REQUESTED

REGISTERED
RETURN RECEIPT REQUESTED

Messrs. Anthoy T. and Michael A. Gilbertie
Westport Taxi Service Inc.
7 Taylor Place
Westport

[Handwritten signature] 6886



311 Post Road East
Westport, Conn. 06880
Information 226-7171
Office 226-0422

REQUEST FOR PROPOSAL FOR PERSONNEL AND MANAGEMENT
SERVICES CONTRACT FOR NEW PARATRANSIT SERVICES
FOR WESTPORT, CONNECTICUT

The Westport Transit District hereby requests proposals from qualified contractors to enter into a contract to provide personnel and management services for paratransit and other services to be offered through the District. The new services proposed include demand-responsive shared-ride services, and supplementary fixed-route and special transit service. The Transit District is requesting potential contractors to submit bids for the providing of driving, dispatching, and managerial personnel to operate these new paratransit services in cooperation with the District. The acceptance of the successful bid will be formalized by the execution of a two-year agreement with the Transit District.

The Westport Transit District presently operates twelve vehicles and provides two fixed-route transit services. Commuter service to the railroad stations meets inbound trains to New York City in the morning and outbound in the evening. In addition, a system operates throughout the daytime pulsing in and out of the central business district.

In April of 1975, the District Directors perceived a need to provide more effective transit services to all Westport residents and in particular to the elderly and handicapped. The Transit District submitted an application to the Urban Mass Transportation Administration Service and Methods Demonstration Division for aid to develop a plan for integrating conventional transit with paratransit services in Westport, Connecticut. The objective of this plan was to develop innovative techniques to make better use of existing forms of transportation. In June, the project was approved.

Preliminary to the formation of a program, a study of the transportation needs of the District was carried out. Surveys of existing services and surveys to identify the potential demand for other forms of transit services were conducted. The results of this analysis indicated that there are four large markets in need of improved and expanded service in Westport:

1. Normal daytime transit operations;
2. Employees in downtown Westport;
3. Commuters at rail stations;
4. Specialized markets.

The new plan of services proposed and developed by the District will include the following which will be furnished by the successful contractor.

A. Paratransit shared-ride service

A fully integrated paratransit service will be offered to provide shared-ride and small-package delivery services. A single central dispatch center and 4 to 6 twelve-passenger vans will be used to provide this service. The basic service mode will be ride-sharing in which passengers are grouped. In addition, the shared-ride service will provide complementary service for the fixed-route system at times of low demand. Small-goods delivery service will be built around the shared-ride service.

B. Supplementary fixed-route services

The Westport Transit District plans to provide an additional 11,000 annual hours of fixed-route services. This would allow the District to provide service to twice the number of commuter trains presently served as well as to expand the area served. In addition, two additional hours in the daytime routes will provide service later into the evening to serve the center of Westport. It is expected that these services will be provided through the use of three multiple purpose vans; however, several transit vehicles will also be deployed.

C. Special market services

Advance-request demand-responsive service will be available to the elderly and handicapped and for special groups such as daycare centers who wish to subscribe for special services. A specially-designed lift-equipped van will be made available to the successful contractor for use in providing this service.

As part of the program undertaken by the Transit District, additional services and programs are expected to be implemented. These additional services will be the responsibility of the Transit District and will not be part of the paratransit contractor's obligations. In order to further the Transit District's objective of promoting the use of mass transportation as opposed to individual forms, the following programs and services will be introduced.

A. Car and van pooling and matching

Car-pooling will be promoted and technical assistance will be provided to downtown employees who wish to organize car-pool programs. Additionally, assistance will be provided to major employee centers in the community to further the implementation of van-pooling programs.

B. Transit information center

An information center, located in downtown Westport, will provide information about all aspects of the Westport Transit services as well as information about trains, buses and other forms of transit or paratransit serving Westport. Also, the center will sell annual passes and coordinate car and van-pool information.

C. Private shared-ride auto

The Transit District will study the possibilities of implementing private shared-ride auto services. This experiment will evaluate the use of adequately licensed and insured private individuals, with their own vehicles, as occasional providers of shared-ride transit services.

OPERATIONAL INFORMATION AND CONTRACTOR'S RESPONSIBILITIES:

The contractor shall be obligated to provide, during the entire term of the accepted contract, the following services, all of which shall be provided in a competent, skillful, thorough, professional and adequate manner, meeting all of the requirements of the rules and regulations of the Urban Mass Transportation Authority of the United States Government, the rules and regulations of the Transportation Department of the State of Connecticut, the rules and regulations of the Motor Vehicle Department of the State of Connecticut, if and where applicable, the rules and regulations promulgated by the State of Connecticut Public Utilities Commission, and the rules and regulations promulgated by the Westport Transit District.

A. Drivers

The contractor is to provide driving personnel for all paratransit services as further enumerated below.

1. Shared-ride service

Shared-ride service would be available 19 hours a day from 6 a.m. to 1 a.m., seven days a week. It is estimated that an average of four vehicles will be required throughout the day. Approximately 28,000 hours of service will be required per full year of service.

2. Supplementary fixed-route service

The plan contemplates at least four drivers will be required between 7 a.m. and 9 a.m. on weekdays to extend and expand ser-

vice on the Transit District's commuter routes. Also four vans will be required between 5 p.m. and 7 p.m. to provide similar expanded service on the daytime fixed routes. These services will require approximately 4,800 hours of service per year.

3. Specialized service

Special services, particularly for the elderly and handicapped, will require approximately 2,500 hours of service per year. The drivers operating this service must have special emergency medical service training.

Small-package goods delivery service will be added after the above services have been initiated. This delivery service will be coordinated with the shared-ride service in such a way as to avoid the necessity of additional vans, drivers and hours.

Driver compensation will be on an hourly basis. The contractor will be required to furnish drivers with fringe benefits including social security, unemployment insurance, workman's compensation coverage, basic hospitalization, five days of sick pay per year, and five vacation days per year, in addition to wages. The above benefits will be required for full-time employees only. Further, the Transit District expects the wage schedule to reflect an incentive program for drivers since there will be no tipping and no commission paid. This incentive program is to be based on some measure of productivity and safety. For example, the wage schedule could provide that drivers earn a base wage of \$3.00 per hour, an additional 25¢ for each passenger carried, an additional 10¢ per hour after driving for three months without an accident and 20¢ per hour after six months free of any driving mishap. The bidding contractors should propose a basic hourly wage including incentives which would yield a gross wage of not less than \$3.50 per hour.

B. Dispatchers

Dispatchers will coordinate the routing of shared-ride service, specialized service, and the supplementary fixed-route services provided by the vans. Additionally, the dispatchers will have control over the Transit District's fixed-route transit services; however, this latter responsibility will require minimal attention. The dispatching center will be open from 5:45 a.m. to 1:15 a.m., requiring approximately 5,600 hours annually. Bid proposals shall include a basic hourly wage schedule for dispatching personnel similar to that proposed for drivers.

C. Management Services:

The contractor shall function as the general manager of the project and shall have the overall responsibility for all aspects of the day-to-day operations of all paratransit service operated by District. The contractor shall provide the following specified services to the District:

1. Hiring of drivers and other personnel

a. The contractor shall have the responsibility for the hiring (subject to the approval of and in coordination with the District), training, and supervision of all drivers and other personnel. All drivers shall be selected by the contractor in accordance with the provisions and requirements of all applicable State, Federal and municipal regulations. The contractor shall make all necessary information concerning drivers available to the District. Each driver shall be knowledgeable of the Connecticut Department of Motor Vehicles regulations published and promulgated by said Department of Motor Vehicles and transportation rules of the District, the Town of Westport, and Urban Mass Transportation Authority.

b. The contractor shall exercise care to employ competent, safe, courteous and responsible drivers and shall keep employing only such drivers as maintain a consistent record of competence. Each such driver must have an annual physical examination in accordance with the requirements of the State of Connecticut at no additional expense to the District or contractor. The contractor shall institute a continuing program of driver safety and instruction in accordance with the State of Connecticut Department of Motor Vehicle requirements, the cost of which will be borne by the District.

c. The contractor shall employ persons qualified to supervise the total program and all personnel under same. In addition, the contractor shall bear general responsibility for supervising the dispatching of vehicles, the prompt meeting of all schedules, and the maintenance of an adequate work schedule which will insure the providing of all services intended to be provided by the District.

d. The contractor shall also be required to collect any and all relevant data in connection with the day-to-day operation of the paratransit system, including vehicle performance, maintenance, records; driver records; route scheduling; schedule completion; dispatching logs; driver logs; and any and all other expenses in connection with the contractor's obligations. Further, the contractor shall make out payrolls for its employees and report all accidents immediately to the Transit District and to the Westport Police Department and the Connecticut State Department of Motor Vehicles in accordance with the requirements of law. All records kept by the contractor must be open for audit and inspection for three years.

e. Management will also be expected to hold itself available to cooperate with the Transit District in solving problems and in developing methods by which service may be improved.

f. Any accounting and/or legal fees necessarily incurred in the conduct of business with the Transit District shall be borne by the contractor. This shall include such items as cost of preparing payroll, preparing the monthly statement, maintaining a separate

REQUEST FOR PROPOSAL

- 6 -

set of books, and any legal costs required in negotiating contracts.

The Transit District anticipates that many management functions may possibly be delegated to the dispatching personnel. Bidding contractors may provide for themselves to be dispatchers as well as managers and the salaries and fees applicable to each position may be earned by the same personnel.

In addition to the cost plus fixed fee, an incentive bonus based upon system productivity will provide additional compensation to the contractor. The objective of the incentive program is to promote an efficient shared-ride service. System productivity is defined as passengers per vehicle hour and the following schedule will be used to calculate the incentive earned.

INCENTIVEProfit Per Passenger

\$.05
.06
.07
.08
.09
.10

System Productivity

2.0
2.1 to 2.5
2.6 to 3.0
3.1 to 3.5
3.6 to 4.0
4.1

ADDITIONAL GENERAL INFORMATIONA. Equipment

Vehicles will be provided by the District and will consist of a total fleet of eleven twelve-passenger raised-roof vans configuring on a Dodge Maxivan frame. Each van will be equipped with a two-way radio; a central radio will be located at the dispatching center; all provided by the District. The physical facilities for garaging, and repairing the vehicles and for the dispatch center will be provided by the District. In addition, all maintenance of vehicles, physical facilities and radios will be provided by the District.

B. Promotion

During the two-year demonstration project, the Transit District will advertise and promote the new paratransit services to be offered in the project at its own cost and expense.

C. Fares

All rates and fares for transit services will be set by the

REQUEST FOR PROPOSAL

- 7 -

District. All fares collected by the contractor, its drivers, dispatchers, or others shall be paid over to the Transit District daily along with copies of each driver's manifest and the dispatchers' daily manifest in order to substantiate the fares collected.

D. Reimbursement for expenses

The contractor shall be responsible for the direct payment of all operating expenses incurred in connection with the fulfilling of its obligations and responsibilities under the demonstration project and the contract to be executed in connection therewith. The contractor shall be reimbursed by the Transit District each month, for all such expenses, upon the submission by the contractor to the Transit District of a statement of expenses duly substantiated with receipted statements from any vendors, suppliers, or other sources of equipment or supplies and the like as well as a payroll statement including the identity of each employee and his salary.

E. Management Fee

The management fee will be payable monthly, not in advance, in equal installments.

F. Restrictions

This request for proposals and any proposals submitted hereunder shall be restricted and controlled by any rules and regulations of the United States Government and the State of Connecticut more particularly set forth in the rider attached hereto.

G. Term

The term of the demonstration project proposed to be carried out by the Transit District shall be for a period of two years. All aspects of any proposed bids should be proposed on the basis of a single year. If the first year of operation is less than a complete twelve-month year, the amounts will be prorated, where necessary.

H. Form of Bid

All proposals by contractors must be submitted in the form provided with this document. Nonconforming proposals may be rejected and not considered responsive by the District.

PROPOSAL
TO THE WESTPORT TRANSIT DISTRICT

The undersigned hereby agrees to fully furnish and provide the services required by the Westport Transit District in accordance with the specifications and terms presented in the REQUEST FOR PROPOSAL DATED NOVEMBER 29, 1976, a copy of which is attached hereto and incorporated herein, which by his signature below, the undersigned acknowledges has been carefully examined and understood.

Personnel Services

Drivers' Gross Hourly Wage _____ per hour
 Drivers' Gross Incentive _____ per hour
 Dispatcher's Gross Hourly Wage _____ per hour
 Dispatcher's Gross Incentive _____ per hour
 Management Fee _____ Year 1 _____ Year 2

The employee wages proposed above should reflect personnel costs for the first year only. The second year costs shall be at the same figures plus a cost-of-living increase.

The undersigned understands that any conditions added to the above, clarification made to the above, or information submitted on or with this form, other than that requested, may render the bid unresponsive.

Additional Requirements

In making this bid the contractor agrees to be bound by the following additional requirements:

Bidders shall submit brief descriptions of the following on separate pages attached to this bid:

1. A statement of the background of the Company including experience in paratransit, taxi, or transit services.
2. List and biographical sketches of Organization and management personnel who will be responsible for carrying out this contract.
3. A statement of the knowledge and experience in serving the community of Westport
4. Breakdown of drivers' wages into base wage and incentive and provide a brief description of proposed incentive program.

Submission of Proposal

Submit one (1) complete copy of this two-page proposal form and additional requirements to the Transit District Office, 311 Post Road East, Westport, Connecticut 06880.

Proposals will be accepted no later than December 14, 1976 at 12:00 noon. All proposals will remain firm for a period of thirty (30) days following this date.

If any Bidder has any questions regarding this REQUEST FOR PROPOSAL or any statements contained herein, it may communicate with the Transit District Executive Director, Richard H. Bradley, at 311 Post Road East, Westport, Connecticut 06880; telephone (203) 226-0422.

All responses to this Request for Proposal become the property of the Westport Transit District. The Transit District will hold all responses confidential from parties other than the District, with the exception of the successful bidder's proposal, which will become public information upon the acceptance by the Transit District; but the District will not be held accountable if material from responses is obtained without the written consent of the bidder by parties other than the Transit District.

Evaluation

In general, the bidder will be judged on its ability to perform the project as determined from the contents, quality and completeness of proposal. In addition, bidders may be requested to make a further oral presentation.

The Westport Transit District reserves the right to waive any defects and informality in the bidding or in any bid, to reject any or all bids for any reason whatsoever, and to accept that bid deemed to be in the best interest of the Westport Transit District, including a bid that is not necessarily the lowest bid.

Name of Individual, Firm or Corporation

Date

Address

Authorized Signature

Title

RIDER

INTEREST OF MEMBERS OF OR DELEGATES TO CONGRESS

No member of or delegate to the Congress of the United States shall be admitted to any share or part of this contract or to any benefit arising therefrom.

AUDIT AND INSPECTION OF RECORDS

The BIDDER shall permit the authorized representatives of the District, the U. S. Department of Transportation, and the Comptroller General of the United States to inspect and audit all data and records of the BIDDER relating to his performance and his subcontracts under the contract from date of contract through and until the expiration of three years after completion of contract with which Federal funds are used.

EQUAL EMPLOYMENT OPPORTUNITY

In connection with the execution of this contract, the BIDDER shall not discriminate against any employee or applicant for employment because of race, religion, color, sex or national origin. The BIDDER shall take affirmative actions to insure that applicants are employed, and that employees are treated during their employment, without regard to their race, religion, color, sex or national origin. Such actions shall include, but not be limited to, the following: employment, upgrading, demotion, or transfer; recruitment, or recruitment advertising; layoff or termination; rates of pay or other forms of compensation; and selection for training, including apprenticeship.

PATENT RIGHTS

Any patentable result arising out of this contract, as well as all information, designs, specifications, know-how, data, and findings shall be made available to the Government for public use, unless DOT shall in a specific case where it is legally permissible to determine that it is in the public interest that it not be so made available.

MINORITY BUSINESS ENTERPRISE

In connection with the performance of this contract, the BIDDER will cooperate with the project sponsor in meeting his commitments and goals with regard to the maximum utilization of minority business enterprises and will use its best efforts to insure that minority business enterprises shall have the maximum practicable opportunity to compete for subcontract work under this contract.

PROHIBITED INTEREST

No member, officer, or employee of the Public Body or of a local public body during his tenure or one year thereafter shall have any interest, direct or indirect, in this contract or the proceeds thereof.

CONDITION OF PERFORMANCE

It is expressly understood and agreed that the contract and the obligations of the District hereunder are made contingent upon approval and funding by the Urban Mass Transportation Administration. Any failure of the District to realize all or any portion of the aforesaid grant shall be the basis of the District to rescind the agreement as of said date and thereafter neither party hereunder shall have any rights or obligations against the other.

Memorandum

A-175

DATE: JUN 23 1975

SUBJECT: Westport, Connecticut Integrated
Taxi Fixed-Route Bus ServiceIn reply
refer to:FROM : Associate Administrator
for Transit PlanningProgram Code:
34.07.03

TO : Administrator

Re: CT-06-0007

1. Grantee

Westport Transit District
311 East State Street
Westport, Connecticut 06880

2. Objective

This project directly impacts on UMTA's goal of increasing transit coverage. The immediate objective of this project is to study the existing transit facilities in the Westport area to define an approach for integrating bus and taxi service.

The project will serve as the planning phase for a future service and methods demonstrations project in Westport and Weston. The project will focus on the complete integration of bus, taxi, and commuter rail services developed to provide the optimum mix of services for transit users. The available options may include premium ride taxi, shared-ride taxi, dial-a-ride bus and fixed-route bus service as well as the commuter rail service.

3. Project Description

The Westport Transit District was organized in Westport, Connecticut (population 28,000) in 1969. With the aid of an UMTA technical study grant (\$5,000) and a capital grant (\$302,000), the Transit District began fixed-route bus service in August 1974 with eight 16-passenger buses serving seven routes. The buses provide service coordinated with the morning and evening commuter rail as well as regular service on the seven routes.

Since the beginning of the service, ridership has increased dramatically, far exceeding projections. However, the seven routes do not provide complete coverage to Westport and operate only from 7:45 a.m. to 5:30 p.m. In addition, the routes do not serve the neighboring town of Weston. Thus, the Transit District has begun to explore means of improving transit service to the Westport-Weston area.

This project would focus on four major issues - all looking forward to the development of a demonstration of an integrated taxi fixed-route bus system. The first area would be an evaluation of existing bus and taxi service in the Westport area. The study will also examine the current systems as they relate to the commuter rail service.

A second facet of the project will study means of integrating the bus and taxi system, and in addition will examine the feasibility of shared-ride taxis and dial-a-ride bus service. The study will address the appropriate mix of service and type of vehicle for the various geographic areas and for time-of-day and day-of-week. By integrating the bus and taxi services, the Transit District feels that economies can be realized which would benefit both operations. The probable impact of an integrated system on the privately owned taxi companies would be assessed by the study.

The study will also examine the feasibility of integration of fares for the various components of the system. The system currently uses a pre-paid pass as well as a single-ride fare. This form of payment would also be explored as a method of payment for integrated bus-taxi service.

A third component of the study will examine the optimum type of service for the Town of Weston. Although Weston (population 8,000) is served by taxis, the seven bus routes provide no service. Weston residents generate a large number of automobile trips to Westport primarily for shopping, entertainment and access to the commuter rail station in Westport. The study will examine alternate means of providing coverage to Weston, integrated with the Westport system.

The fourth aspect of the project will be a study of other elements which might appropriately be included in the transit system, such as package delivery service, etc.

4. Budget

UMTA will provide 100 percent funding for the project in the amount of \$25,000.

Related Funding:

1971 Technical Study Grant \$ 5,000

1974 Capital Grant
(Buses & Related Equipment) \$302,000

5. Schedule

The project duration will be six months and will include solicitation by the Westport Transit District of a consultant to perform the study. The consultant will provide the Transit District with a final report documenting its recommendation for an integrated transit system.

6. Legal Determination

The Office of the Chief Counsel finds the proposed project is authorized under Section 6 of the Act, and that the applicant is legally acceptable as a grantee.

7. Labor Determination

No labor determination is required since operations are not a part of this project.

8. Environmental Impact

In accordance with the National Environmental Policy Act of 1969 and the implementing directives, it is determined that the proposed grant will not have a significant impact on the quality of the environment.

9. Recommendation

I recommend that you approve this project and have reserved \$25,000 as the UMTA share. I also recommend that you find that this project will assist in the improvement of urban mass transportation service and the contribution of such service toward meeting total urban transportation needs of minimum cost.

Robert H. McManus
Robert H. McManus

Attachments

I have made a fund reservation in the amount of \$25,000 for this project.

for Allison M. Kirby
Willie F. Scroggins

Approved:

Frank C. Herringer
Frank C. Herringer

Date:

6/26/75

ninnybus

STPORT TRANSIT DISTRICT



311 East State Street
Westport, Conn. 06880
Information 226-7171
Office 226-0422

March 29, 1976

Paul Fish
vice & Methods Demonstration Division
an Mass Transportation Administration
Seventh Street, S. W.
hington, D. C. 20590

Mr Paul:

In answer to your question for further clarification of the
ue of continuation of the demonstration project beyond the second
r, it is the position of the Transit District to strongly support
h continuation and the economic projections for costs beyond the
ond year show that this is a reasonable alternative to pursue.

You will note in the application on Page C-10 that we have
ojected net costs after application of revenues to gross costs in
e third year at \$203,114. Although we have not made a similar pro-
ction for the distribution of subsidy assistance in the third year,
part because these cannot be predicted at the moment, if you study
e local and State share in the second year of the demonstration
oject, you will see that this amounts to approximately \$120,000.
ere is a difference, therefore, between the commitment of local
nds in the second year and the projected net cost in the third
ar of approximately \$80,000. We have assumed that this difference,
ich is not extremely large, will be made up from a number of sources.

First of all, both the communities of Westport and Weston
cognize that their share would increase substantially in the third
ar, at least doubling over the amount in the second year, and that
e additional remaining funds, amounting to roughly \$40,000, could
picked up with additional State aid and UMTA Section 5 funds for
ich the Westport Transit District is eligible. We are assuming
at in this third year the demonstration project would be incorpor-
ed into our overall budget procedure and will be funded under
ose policies which pertain to subsidy assistance from local, State
d Federal agencies.

If you have any other questions, please feel free to give us
call.

Sincerely,

Richard H. Bradley

HB: 11h